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COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

PLANNING COMMISSION

MEETING DATE October 26, 2005	CONTACT/PHONE Karen Nall 781-5606	APPLICANT J. Lohr Winery	FILE NO. D030099D
<b>SUBJECT</b> Hearing to consider a proposal by <b>J. LOHR WINERY</b> for a Conditional Use Permit to allow for an approximately 107,500-square foot expansion of an existing winery and tasting room facility. The proposed expansion would be conducted in five phases. Phase 1- a fermentation building (18,000 square feet in size) with an attached administration building (4,000 square feet ). Phase 2 - a blending building (7,500 square feet). Phase 3 - a fermentation building (24,000 square feet). Phases 4 and 5 - barrel storage buildings (27,000 square feet each). Existing facilities include two barrel storage buildings (21,000 square feet each), one fermentation building (18,000 square feet in size), one tasting room (4,841 square feet in size), one wastewater storage tank and two treatment ponds, 42 parking spaces, signage and landscaping. The proposed project is within the Agriculture land use category and is located at 6169 Airport Road, approximately 0.3 mile south of Wellsona Road, northeast of the City of Paso Robles, in the Salinas River Planning Area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit D030099D based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 25, 2005 for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, geology and soils, wastewater and water and are included as conditions of approval.			
<b>LAND USE CATEGORY</b> Agriculture	<b>COMBINING DESIGNATION</b> Airport Review	<b>ASSESSOR PARCEL NUMBER</b> 026-183-048 &046	<b>SUPERVISOR DISTRICT(S)</b> 1
<b>PLANNING AREA STANDARDS:</b> None			
<b>EXISTING USES:</b> Existing winery consists of two barrel storage buildings (21,000 square feet each), two fermentation buildings (18,000 square feet and 20,000 square feet in size), one blending building (7,500 square feet in size), one tasting room (4,841 square feet in size), one wastewater storage tank and two treatment ponds, 42 parking spaces.			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Agriculture/ vineyard <i>East:</i> Agriculture/ vineyard <i>South:</i> Agriculture/ vineyard <i>West:</i> Agriculture/ vineyard			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, ALUC, APCD, Department of Fish and Game, Regional Quality Control Board

TOPOGRAPHY:

Nearly Level

VEGETATION:

Landscaping and vineyards

PROPOSED SERVICES:

Water supply: On-site well

Sewage Disposal: Individual septic system

Fire Protection: CDF

ACCEPTANCE DATE:

April 17, 2004

PROJECT DESCRIPTION:

The original winery was established in 1988 through Site Plan approval (D870185S). The winery was expanded through Development Plan approval in 1997 (D960162D) and a tasting room was added in 2001 (D990087D).

The existing operation is a full service production winery operation in which every aspect of wine making is conducted on-site including harvest, crushing, barrel aging, bottling, case storage and retail sales. The existing winery consists of two barrel storage buildings (21,000 square feet each), two fermentation building (18,000 square feet and 20,000 square feet in size), one blending building (7,500 square feet in size), one tasting room (4,841 square feet in size), one wastewater storage tank, two treatment ponds and 42 parking spaces.

The current application was noticed for hearing on February 10, 2005. It was continued off calendar in order for the applicant to resolve issues with proposed kit fox mitigation. The applicant subsequently submitted a phasing schedule for expansion of the winery. The following provides a breakdown of the proposed phases:

*Phasing Plan*

Phase 1 2005/06 - Fermentation Building F-3 (18,000 square feet) with an attached Administration Building (4,000 square feet)

Phase 2 2007- Blending Building S-2 (7,500 square feet)

Phase 3 2008- Fermentation Building F-4 (24,000 square feet)

Phase 4 2011- Barrel Storage B-3 requires (27,000 square feet)

Phase 5 2012- Barrel Storage B-4 requires (27,000 square feet)

The winery participates in "industry wide events" only and is not requesting any special events. Current production is 100,000 cases. The anticipated production at the completion of Phase 5 is 1,000,000 cases annually.

## PROJECT ANALYSIS

*Ordinance Compliance:*

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Minimum Site Area	No minimum required	14.78 Note: site will need to be expanding through a lot line adjustment to approximately 20 acres prior to Phase 3.
Setbacks Phase 1 Front Side Rear	200 feet 200 feet 200 feet	360 feet 100/170 feet 660 feet
Setbacks Phase 2 Front Side Rear	200 feet 200 feet 200 feet	880 feet 300/135 feet 280 feet
Setbacks Phase 3 Front Side Rear	200 feet 200 feet 200 feet	550 feet 60*/500 feet 500 feet
Setbacks Phase 4 Front Side Rear	200 feet 200 feet 200 feet	200 feet 60*/500 feet 360 feet
Setbacks Phase 5 Front Side Rear	200 feet 200 feet 200 feet	380 feet 60*/500 feet 180 feet
Height	35 feet	33 feet
Parking 1 per 2,000 sq ft of active use 1 per 5,000 sq ft of storage 1 per 200 sq ft of tasting room	Existing Winery  $45,500/2,000 = 23$ spaces $42,000/5000 = 8$ spaces $4,800/200 = 24$ spaces	55 total spaces required 42 spaces existing
Parking 1 per 2,000 sq ft of active use 1 per 400 of office	Phase 1  $18,000/2,000 = 9$ spaces $4,000/400 = 10$ spaces	74 total spaces required 64 spaces proposed**
Parking 1 per 2,000 sq ft of active use	Phase 2  $7,500/2000 = 4$ spaces	78 total spaces required 64 spaces proposed**
Parking 1 per 2,000 sq ft of active use	Phase 3  $24,000/2,000 = 12$	90 total spaces required 71 spaces proposed**

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Parking 1 per 5,000 sq ft of storage	Phase 4  $27,000/5000 = 5$	95 total spaces required 80 spaces proposed**
Parking 1 per 5,000 sq ft of storage	Phase 5  $27,000/5000 = 5$	100 total spaces required 110 spaces proposed**
Signs	None proposed	

\* The project has been conditioned to conform to the 100 foot setback.

\*\* The project has been conditioned comply with required parking at each phase.

**Special Use Standards:**

The project is subject to Land Use Ordinance section 22.30.070D(2) (Wineries). Section 22.30.070 sets forth standards for winery development including but not limited to access, solid and liquid waste disposal, setbacks, parking, design, screening, height, lighting, tasting rooms and special events.

*Access requirement:* The principal access driveway to a winery with public tours and tasting, retail sales and special events must be located within 1 mile of an arterial or collector road.

**Response:** Airport Road is a collector. There is an existing tasting room on site and no special events are requested other the allowable industry wide events.

*Solid waste disposal requirement:* Pomace may be used as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with applicable Health Department standards.

**Response:** The existing and proposed winery operation does and will use the pomace generated as a soil amendment.

*Liquid waste disposal requirement.* Standards will be set, where applicable, through Regional Water Quality Control Board discharge requirements developed in compliance with Section 22.10.180 (Water Quality).

**Response:** There is an existing septic tank/leach field for domestic effluent, and two existing wastewater treatment ponds for "blackwater" on-site. The applicant has a waste discharge permit from the Regional Water Quality Control Board for operation of the wastewater ponds. The existing permit allows a maximum peak seasonal process wastewater discharge of 22,000 gallons per day. Current peak flows for the winery documented from the October 2003 season reached a maximum flow rate of 21,740 gallons per day (Roger Briggs; June 2, 2004).

The proposed project was referred to the County Environmental Health Division and RWQCB for review. County Environmental Health recommended standard stock conditions for water and wastewater, and expressed concerns regarding the capacity of the existing wastewater treatment ponds (Laurie Salo; November 14, 2003). The RWQCB determined that implementation of the proposed expansion would exceed the current limitations of the existing wastewater discharge permit. Implementation of the proposed project would require a revision to the current waste discharge permit, and an expansion of the existing wastewater treatment ponds (Roger Briggs; June 2, 2004). Expansion of the existing ponds would occur within areas currently disturbed.

To ensure compliance with the Central Coast Basin Plan, the applicant has agreed to submit to the County and RWQCB construction plans for the wastewater treatment pond upgrades if required, and obtain a revised waste discharge permit from the RWQCB.

*Setback requirements:* Rural areas. All winery structures and outdoor use areas shall be a minimum of 100 feet from each property line and no closer than 200 feet to any existing residence outside of the ownership of the applicant. Where a winery has public tours, tasting, retail sales, or special events (in compliance with Subsection D.2.i.), the setback shall be increased to 200 feet from each property line and no closer than 400 feet to any existing residence outside the ownership of the applicant. These setbacks can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required by Subsection A. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings: (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III); (2) the property fronts an arterial or collector street; (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or (4) is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use.

**Response:** Phase 1 – the fermentation building F-2 has a proposed side setbacks of approximately 100 feet on the right side and 170 feet on the left side. Phase 2- the blending building S-2 has a proposed side setback of 135 feet on the left side. The current side setback requirement is 200 feet but may be modified if the required findings discussed above can be made. A 100-foot setback was required at the time the original winery was approved. The two phases are an infill of the existing winery operation and the proposed building will be in line with the existing buildings. Staff is supporting a modification of the 200-foot setback based on the finding that the property fronts on Airport Road which is a collector.

Phases 3, 4 & 5 require the processing of a lot line adjustment between the site and the lot to the north also owned by the applicant. The site plan shows a proposed 60 foot side setback from the new lot lines. Staff has conditioned the project to increase the proposed setback shown from 60 feet to 100 feet. Staff is recommending that the setback be modified from 200 feet to 100 feet based on the finding that the property fronts on Airport Road which is a collector.

*Parking requirement.* Parking shall be provided in compliance with Chapter 22.18 (Parking and Loading Standards). Parking lot construction standards shall be provided in compliance with Section 22.18.060. The parking shall be located and/or landscaped so it is screened from public roads where topography or existing on-site vegetation (including vineyards) does not provide for adequate screening. No parking shall be allowed within any adjoining road right-of-way.

**Response:** The chart on the previous page shows the breakdown of required and proposed parking spaces for each phase. Staff has conditioned each phase to modify the number of parking spaces to be in conformance with the LUO. The existing parking lot for the tasting room has landscaping to screen it from Airport Road. The proposed parking areas will be screened from Airport Road by the existing tasting room and existing vineyards.

*Design standards requirement.* In the Agriculture, Rural Lands or Residential Rural land use categories, all structures associated with the winery (including production facilities) shall have an exterior design style that is agricultural or residential in nature using non-reflective siding and roofing materials. Structures shall not use an exterior design style typically associated with large industrial facilities unless the facility is proposed in the Commercial Service or Industrial land use category.

**Response:** The existing wine tasting room design is residential and is located in the front of the site along Airport Road. The production buildings are steel structures that are located behind the tasting room. The proposed production buildings are also steel structures designed to match the existing buildings. The proposed administrative building is residential in design and will match the existing tasting room.

*Screening requirement:* Any portion of the winery structures that are visible from public roads shall be screened where necessary to ensure the rural character of the area is unchanged unless screening is not practical, feasible or necessary due to existing topographic conditions or existing on-site vegetation (including vineyards). The screening may include such measures as landscape or existing vegetative screening, existing topography, and/or arrangement of the structures on the site to minimize bulky appearance. Any tank located outside of structures shall be screened 100 percent from public roads.

**Response:** As previously discussed, Phase 1 and 2 are located behind the existing tasting room, which will partially screen the buildings from Airport Road. Phase 3, 4 and 5 will be partially screened by the existing vineyard located on the parcel to the north. The proposed landscaping plan proposes a row of fast growing evergreen trees. Staff has conditioned the project to submit landscaping plans at each phase of the project to reduce the visibility. Staff is recommending that there is a variation in the type of trees to be planted and that they are drought tolerant.

*Height requirement.* The maximum height of any structure associated with a winery facility shall be 35 feet. The height may be increased to 45 feet where a pitched roof of greater than 4 in 12 is proposed and at least 50 percent of the structure is at 35 feet in height or less.

**Response:** The proposed building range in height from 28 feet to 34 feet.

*Lighting requirement.* All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from any location off the project site. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed operated in a manner that would throw light, either reflected or directly, in an upward direction.

**Response:** No lighting plan has been proposed, however, future lighting will be required to follow the ordinance.

*Signing:* Signs are limited to two signs up to a combined total of 32 square feet and not exceeding a height of ten feet for each lot or parcel, identifying and advertising agricultural products produced on the premises.

**Response:** No specific sign proposal has been submitted, however, the project would be required to adhere to the ordinance standards on signing.

*Tasting room requirements:* Tasting rooms shall be clearly incidental, related and subordinate to the primary operation of the winery as a production facility.

**Response:** The existing tasting room is operational and no changes are proposed under this application.

*Special events requirements:* Special events are defined as any event where there is the possibility of more than 50 people in attendance, including weddings, advertised events, fund raisers, and advertised winemaker dinners open to the general public. Special events do not include industry wide-events.

**Response:** The applicant is not requesting any special event other than industry wide events.

*Modifications*

As discussed above in the setback discussion, modifications to the side setbacks are being requested. The LUO allows the modification if certain findings can be made. Staff has conditioned the project to increase the proposed setback shown from 60 feet to 100 feet. Staff is recommending that the setback be modified from 200 feet to 100 feet based on the finding that the property fronts on Airport Road, which is a collector road.

**PLANNING AREA STANDARDS:**

There are no planning area standards applicable to this project.

**COMBINING DESIGNATIONS:**

The site is within the Airport Review combining designation. The project was reviewed by the Airport Land Use Committee on January 21, 2004.

**AGENCY REVIEW:**

Public Works- no concerns identified

Environmental Health – Stock condition for on-site well and wastewater. Concerns raised over the need to upgrade the existing wastewater system and permit through the Regional Water Quality Control Board.

Ag Commissioner- Proposed expansion will not generate significant incompatibility impacts to adjacent agriculture.

County Parks - Not applicable

CDF - Fire safety requirements as stated in a letter dated March 29, 2004.

Department of Fish and Game - Kit Fox mitigation required

**LEGAL LOT STATUS:**

The lot was legally created by a lot line adjustment COAL97-027.

Staff report prepared by Karen Nall and reviewed by Kami Griffin, Supervising Planner.

**J LOHR WINERY D030099D  
FINDINGS - EXHIBIT A**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 25, 2005. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, biological resources, geology, public services, water, and wastewater and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the phased expansion of the existing winery does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the phased expansion of the existing winery is consistent with the surrounding land uses in the project's vicinity and are expected with an agriculture processing facility, and wineries in particular, in an agricultural area. With the project conditions in place this project will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Airport Road a collector road constructed to handle any additional traffic associated with this project.

Winery Adjustments

- G. A setback of 100 feet is justified because the property fronts on Airport Road a collector road.



**J LOHR WINERY D030099D  
EXHIBIT B - CONDITIONS OF APPROVAL**

**Approved Development**

1. This approval authorizes the construction of a five-phased expansion of the existing winery. The following provides a breakdown of the proposed phases:
  - Phase 1 2005/06 - Fermentation Building F-3 (18,000 square feet) with an attached Administration Building (4,000 square feet)
  - Phase 2 2007- Blending Building S-2 (7,500 square feet)
  - Phase 3 2008- Fermentation Building F-4 (24,000 square feet)
  - Phase 4 2011- Barrel Storage B-3 requires (27,000 square feet)
  - Phase 5 2012- Barrel Storage B-4 requires (27,000 square feet)
2. **At the time of application for construction permits**, submit a revised site to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
  - a. Phases 3, 4 and 5 setbacks shall be a minimum of 100 feet to all property lines.
  - b. Revised parking to conform to the required spaces for each phase as follows:
    - Phase 1 – 74 total spaces required on site
    - Phase 2 – 78 total spaces required on site
    - Phase 3 – 90 total spaces required on site
    - Phase 4 – 95 total spaces required on site
    - Phase 5 – 100 total spaces required on site

**Aesthetics**

3. **At the time of application for construction permits for each phase**, the applicant shall submit landscape plans to the Department of Planning and Building for review and approval. The plans shall provide landscape screening of the winery buildings from Airport Road. The landscaping should be clustered with a variety of drought tolerant trees including evergreen trees. All landscaping shall be maintained until fully established. Trees and shrubs that die shall be replaced within 30 days.

**Exterior Lighting**

4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

**Fire Safety**

5. At the time of application for construction permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated March 29, 2005.

**Conditions to be completed prior to issuance of a construction permit****Lot line Adjustment**

6. Prior to issuance of construction permits for Phase 3, 4 or 5, the applicant shall record a lot line adjustment with the parcel to the north. The new lot lines shall provide a minimum 100 foot setback to all future buildings.

**Geology and Soils**

7. Prior to issuance of construction permits, the applicant shall submit a sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall meet the requirements of Land Use Ordinance Section 22.52.090, and shall include best management practices (BMPs), and pollution prevention measures and shall be approved by the Planning and Building Department in consultation with the Public Works Department.

**Wastewater**

8. Prior to issuance of construction permits for each phase, the applicant shall submit construction plans for the upgraded wastewater treatment ponds to the County of San Luis Obispo and Regional Water Quality Control Board for review.
9. Prior to issuance of construction permits for each phase, the applicant shall submit a revised Waste Discharge permit from the Regional Water Quality Control Board. A copy of the revised permit shall be submitted to the County Planning and Building Department and Environmental Health Department.

**Water**

10. **Prior to issuance of construction permits**, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State Water Resources Control Board (SWRCB).

**Fees**

11. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

**Air Quality**

12. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and

weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stockpile areas should be sprayed daily as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and,
- e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

**Conditions to be completed prior to occupancy or final building inspection**

13. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for **before final inspection for all phases**. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
14. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
15. **Prior to occupancy of any structure associated all phases of this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**On-going conditions of approval (valid for the life of the project)**

16. This land use permit is a phased project as described in condition 1. Each phase of this land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed for each phase. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

**Outdoor Storage**

17. Winery related materials stored out of doors shall be screened by solid fencing and shall not be higher than the associated solid fence screening, unless the storage area is not visible from Airport Road, or adjacent properties.
18. Long-term outdoor winery storage areas shall be screened by solid fencing and shall not be higher than the associated solid fence screening, unless the storage area is not visible from Airport Road, or adjacent properties

**Kit Fox - Biological Resources include conditions prior to issuance and ongoing conditions**

19. Prior to issuance of a grading permit, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a

combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 3 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) or other Department-approved organization pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", totals \$7,500. This fee must be paid after the Department provides written notification about the approved mitigation options, and prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 3 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 3 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

The purpose of the easement is to retain the existing wildlife movement corridor located on the project site and to set aside an unfragmented section of land that will benefit the San Joaquin kit fox along with other associated plant and animal species. The easement shall:

- 1) Provide a complete corridor through the subject property;
  - 2) Prohibit development of the area, including agricultural development;
  - 3) Prohibit removal or alteration of native plants and animals;
  - 4) Prohibit use of the area for agricultural staging activities or storage of any kind;
  - 5) Allow for scientific investigation conducted as part of a project of plan instigated by the land owner, or otherwise approved by the land owner and the United States Fish and Wildlife Service and/or California Department of Fish and Game; and
  - 6) Allow for flood control and stream bank stabilization activities conducted with approved state, federal, and local permits.
- The easement shall not:
- 7) Allow for or imply public access.
20. Prior to issuance of construction permit, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
- a. Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
  - b. Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.
21. Prior to issuance of construction permit, roads on the subject property shall be posted with a 25 mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
22. Prior to construction, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
23. To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

24. During the construction, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.
25. All food related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.
26. Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
27. All workers and associated personnel shall obey the posted 25 mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.
28. No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:
  - a. Fenced exclusion zones shall be established around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
    - Potential San Joaquin kit fox den: 50 feet
    - Known San Joaquin kit fox den: 100 feet
    - San Joaquin kit fox pupping den: 150 feet
  - b. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.
  - c. If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.

29. Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.
30. Prior to final inspection, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
  - a. If a wire stand/pole is used, the lowest strand shall be no closer to the ground than twelve inches;
  - b. If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.
31. Prior to issuance of construction permit, the applicant shall install bright construction fencing at the perimeter of approved grading limits. The use and storage of equipment and materials is not permitted outside of areas approved for disturbance.



Source: Compass Maps



PROJECT

J. Lohr Winery



EXHIBIT

Vicinity Map



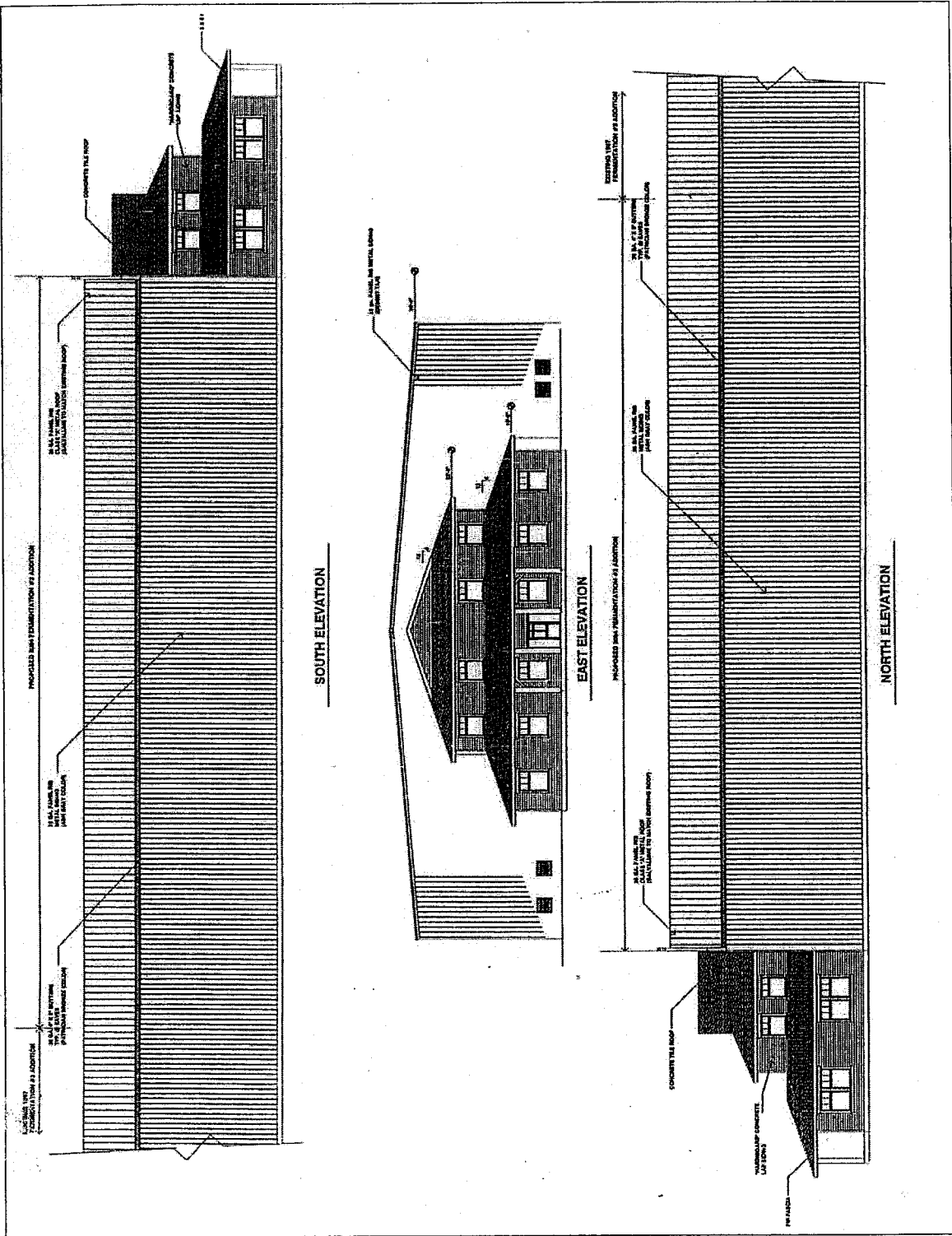
**PROJECT**

**EXHIBIT**

### Land Use Category

**NORTH**  
**Not to Scal**

## Phasing Plan



Source: D. Sawyer



NORTH  
Not to Scale

McGraw Hill

PROJECT

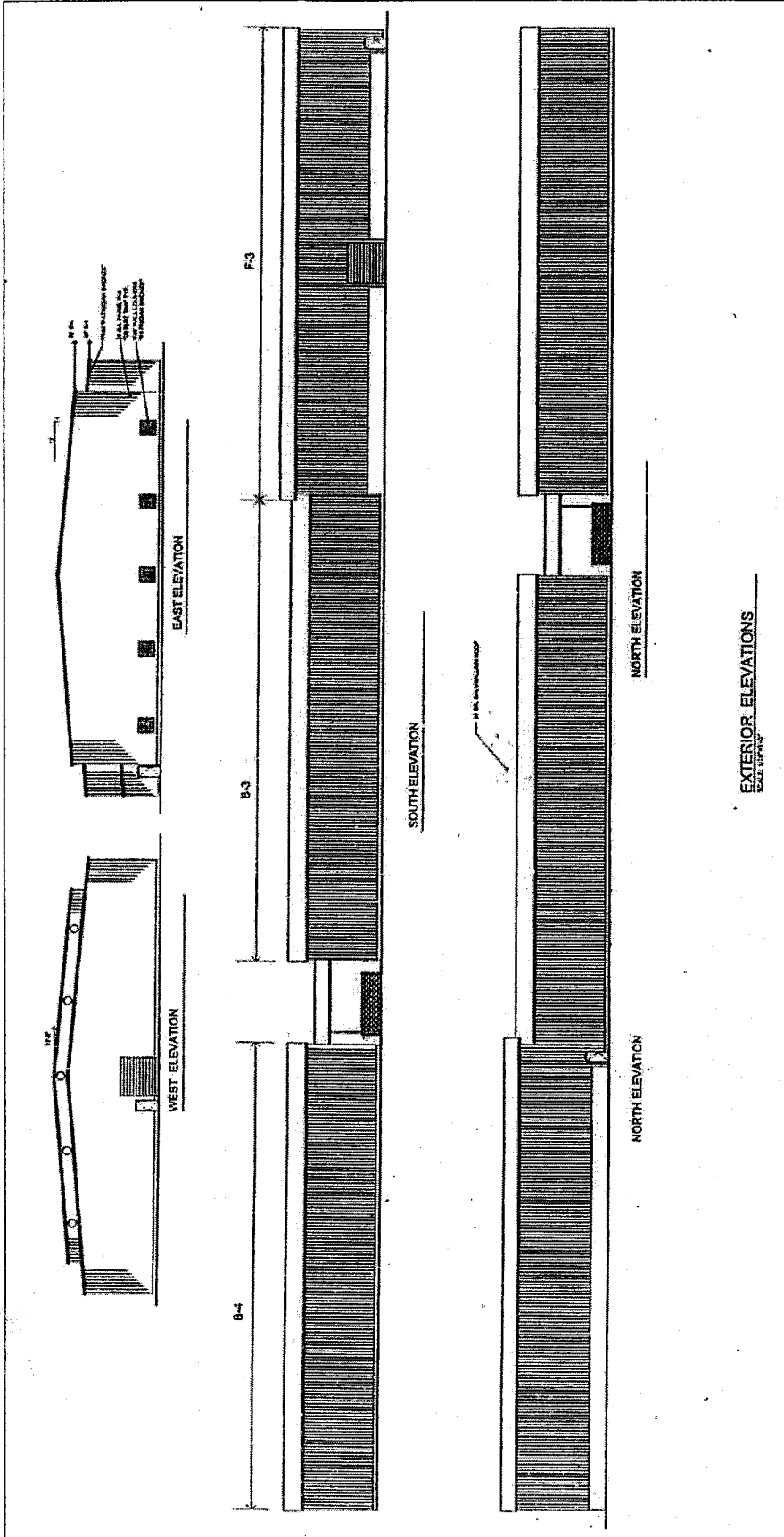
J Lohr Winery



EXHIBIT

Elevations - F-3

2-20



NORTH  
Not to Scale

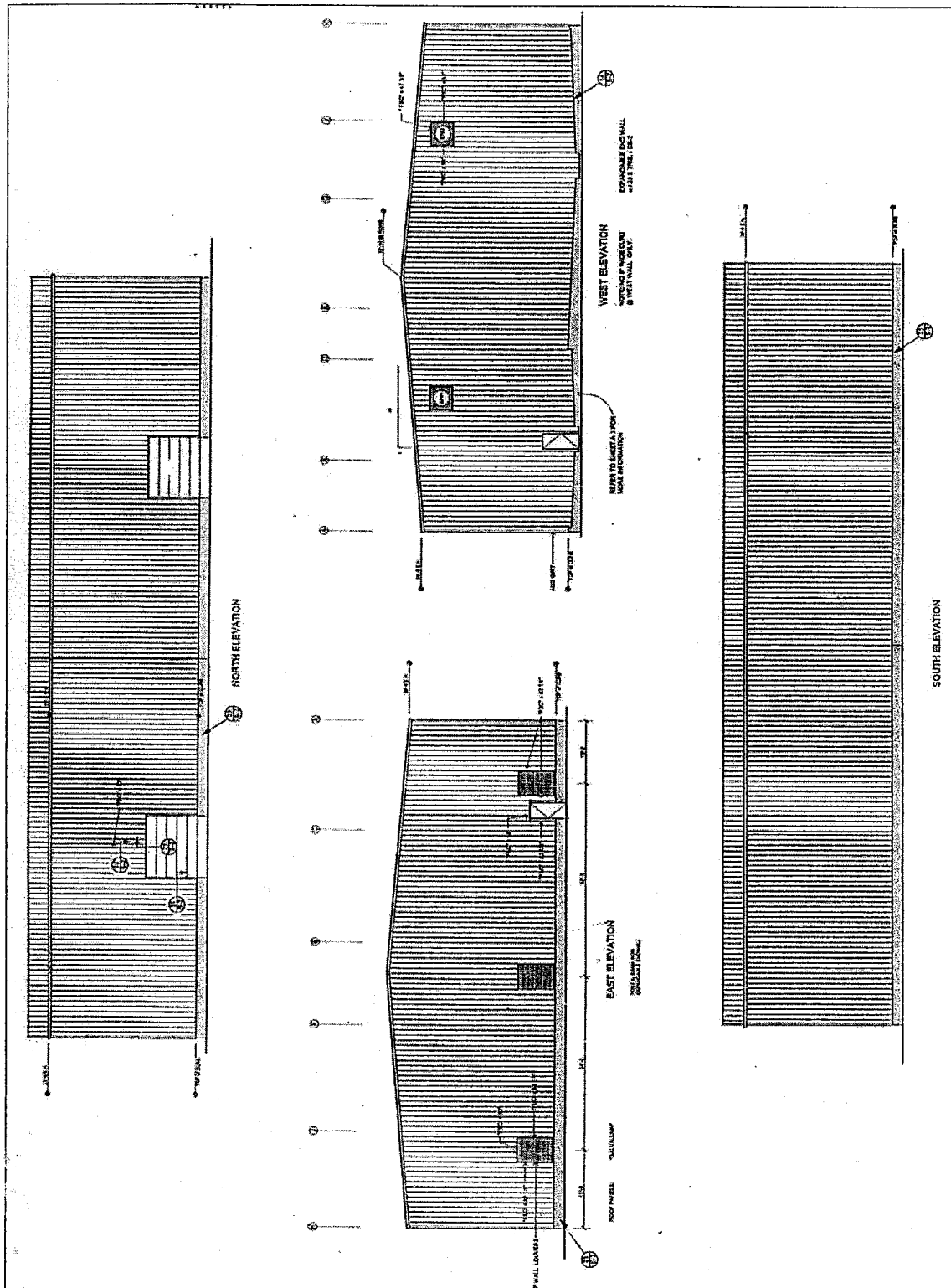
PROJECT

J. Lohr Winery



EXHIBIT

Elevations B-3, B-4  
F-4



Source: D. Sawyer



**NORTH**  
Not to Scale

**PROJECT**

J Lohr Winery



**EXHIBIT**

Elevations S-1 & S-2



2-22  
**COUNTY OF SAN LUIS OBISPO**

FOR OFFICIAL USE ONLY (KN)

**MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION**

**ENVIRONMENTAL DETERMINATION NO. ED04-104**

**DATE: August 25, 2006**

**PROJECT/ENTITLEMENT:** J. Lohr Winery Conditional Use Permit; DO30099D

**APPLICANT NAME:** J. Lohr Winery

**ADDRESS:** 6169 Airport Road, Paso Robles, CA 93446

**CONTACT PERSON:** J. Lohr Winery

**Telephone: 239-8900**

**PROPOSED USES/INTENT:** Request by J Lohr Winery to allow for the expansion of 110,000-square feet to an existing 65,000-square foot winery and visitor's center, consisting of two fermentation buildings, two barrel storage buildings, an administration building, a blending building, a 578-square foot canopy, additional parking areas, additional landscaping, and removal of three acres of existing vineyards, which will result in the disturbance of 3 acres on a 14.78 acre parcel.

**LOCATION:** 6169 Airport Road, approximately 0.3 mile south of Wellsona Road, northeast of the City of Paso Robles.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
County Government Center, Rm. 310  
San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** California Department of Fish and Game, County Environmental Health, Regional Water Quality Control Board, State Water Resources Control Board

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT . . . . . 5 p.m. on September 8, 2005**  
**(Circle one) 20-DAY 30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

**Notice of Determination**

**State Clearinghouse No. \_\_\_\_\_**

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ Lead Agency  
☐ Responsible Agency approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

**Signature**

**Title**

**Date**

**Public Agency**

2-23

COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
ENVIRONMENTAL DIVISION

**ENVIRONMENTAL DOCUMENT FILING FEE FORM**

**NOTICE:** During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: December 22, 2004

County: San Luis Obispo

Project No. ED04-104

Project Title: J. Lohr Winery Conditional Use Permit; DO30099D

Project Applicant: Name: D. Sawyer, Inc.

Address: P.O. Box 567

City: Santa Margarita, CA 93453

Phone #: (805) 438-5704

Please remit the following amount to the County Clerk-Recorder:

( ) Environmental Impact Report	\$ 850.00
(X) Negative Declaration	\$ 1250.00
( ) County Clerk's Fee	\$ 25.00
<b>Total amount due:</b>	<b><u>\$ 1250.00</u></b>

**AMOUNT ENCLOSED:** \_\_\_\_\_

Checks should be made out to the County of San Luis Obispo. Payment must be received by the County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040, within two days of project approval.

**NOTE:** Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

2-24



**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No: J. Lohr Winery Conditional Use Permit; DO30099D; ED04-104**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics           | <input checked="" type="checkbox"/> Geology and Soils         | <input type="checkbox"/> Recreation                 |
| <input type="checkbox"/> Agricultural Resources          | <input type="checkbox"/> Hazards/Hazardous Materials          | <input type="checkbox"/> Transportation/Circulation |
| <input checked="" type="checkbox"/> Air Quality          | <input type="checkbox"/> Noise                                | <input checked="" type="checkbox"/> Wastewater      |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing                   | <input checked="" type="checkbox"/> Water           |
| <input type="checkbox"/> Cultural Resources              | <input checked="" type="checkbox"/> Public Services/Utilities | <input type="checkbox"/> Land Use                   |

☐ Mandatory Findings of Significance

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

<u>Shawna Scott</u>	<u>Arsen Celleria for Shawna Scott</u>	<u>12/22/04</u>
Prepared by(Print)	Signature	Date
<u>John McKenzie</u>	<u>John McKenzie</u>	<u>12/22/04</u>
Reviewed by(Print)	Signature	Date
	Ellen Carroll, Environmental Coordinator (for)	



### **Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

### **A. PROJECT**

**DESCRIPTION:** - Proposal by J. Lohr Winery for a Conditional Use Permit to allow for an approximate 110,000-square foot expansion of an existing winery and tasting room facility. The proposed expansion would consist of two fermentation buildings (24,000 and 18,000 square feet each), two barrel storage buildings (27,000 square feet each), an administration building (4,000 square feet), a blending building (7,500 square feet), a 578-square foot canopy, a 30-space overflow parking lot, 29 new parking spaces, additional landscaping, and removal of three acres of existing vineyards. Existing facilities include two barrel storage buildings (21,000 square feet each), one fermentation building (18,000 square feet), one tasting room (4,841 square feet), one wastewater storage tank and two treatment ponds, 42 parking spaces, signage and landscaping. The project site is located at 6169 Airport Road, approximately 0.3 mile south of Wellsona Road, northeast of the City of Paso Robles, in the Salinas River (rural) planning area.

ASSESSOR PARCEL NUMBER:026-183-048

SUPERVISORIAL DISTRICT #:1

### **B. EXISTING SETTING**

PLANNING AREA: Salinas River, Rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Airport Review Area

EXISTING USES: Winery, tasting room, vineyards

TOPOGRAPHY: Nearly level

VEGETATION: Landscaping and vineyards

PARCEL SIZE: 14.78 acres

#### **SURROUNDING LAND USE CATEGORIES AND USES:**

*North:* Agriculture/ vineyards

*East:* Agriculture/ vineyards

*South:* Agriculture/ vineyards

*West:* Agriculture/ vineyards

### C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

#### COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project is located on the west side of Airport Drive, northeast of the City of Paso Robles (refer to Figures 1 through 3). The general area is characterized by gently to moderately sloping hillsides, grazing land, vineyards, the Paso Robles Airport, and oak woodland. Existing uses onsite include vineyards, a winery facility, tasting room, wastewater storage tank and two treatment ponds, parking, signage and landscaping. The existing facility is visible from the northbound travel lane of Airport Drive for approximately 0.1 mile, and from the southbound travel lane for approximately 0.8 mile.

**Impact.** The applicant is proposing an approximately 110,000-square foot expansion of an existing approximately 90,300-square foot winery facility and tasting room (refer to Figures 4 and 5). The facilities operating hours are limited to the daytime; therefore night lighting is not necessary nor proposed. The applicant's proposed landscape plan includes a row of thirty-three 15-gallon screening trees along the northern and eastern boundaries of the building area. These trees are evergreen and fast growing. The exterior colors of the proposed structures would be earthtone shades of dark brown and brown-grey. The proposed structures would be attached or located adjacent to the existing buildings, and would be consistent with the existing visual character of the project site. The tallest structure would be 32 feet and 10 inches in height (refer to Figures 6 through 9).

**Mitigation/Conclusion.** Based on the existing character of the project site, and the location and design of proposed additional structures, and implementation of the proposed landscape plan, impacts to visual resources would be less than significant and no additional mitigation is necessary.

**2. AGRICULTURAL RESOURCES -***Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Convert prime agricultural land to non-agricultural use?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b>Impair agricultural use of other property or result in conversion to other uses?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b>Conflict with existing zoning or Williamson Act program?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b>Other _____</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The soil types mapped for the project site are San Ysidro Loam (0-2%) and Arbuckle-Positas Complex (50-75%). As described in the NRCS Soil Survey, these soils is considered Class IV-VII for "non-irrigated" soil, and Class IV for "irrigated" soil. The land use designation of the project site and surrounding areas is Agriculture, and the site currently supports a winery facility, tasting room , and vineyards. Surrounding land uses include vineyards and livestock grazing.

**Impact.** Implementation of the proposed project would require the removal of three acres of existing vineyards on the project site. The proposed project was referred to the County Agriculture Department for review. The Department determined that, in the context of the entire vineyard operation, the loss of three acres of vineyards would not be significant, and the proposed project would be consistent with the existing land use and surrounding land uses (Tamara Kleeman; December 16, 2003).

**Mitigation/Conclusion.** Based on the project's compatibility with existing onsite and surrounding agricultural land uses and the Department of Agriculture's referral response letter, impacts to agricultural resources would be less than significant and no mitigation is necessary.

**3. AIR QUALITY - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <b>Expose any sensitive receptor to substantial air pollutant concentrations?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <b>Create or subject individuals to objectionable odors?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b>Be inconsistent with the District's Clean Air Plan?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b>Other _____</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** In 1989, the State Air Resources Board (ARB) designated San Luis Obispo County a non-attainment area for exceeding the State's air quality standards set for ozone and dust (small particulate matter or PM10). In 2003, the State ARB determined that the county was in attainment for ozone. Based on the latest air monitoring station information (per the County's RMS annual report, 2003), the trend in air quality in the general area is improving where unacceptable PM10 levels were not exceeded in 2002 at the Paso Robles monitoring station, which is down from the previous year (2

exceedances). The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

**Impact.** As proposed, the project will result in the disturbance of approximately 2.6 acres. This will result in both short-term vehicle emissions (which helps create undesirable ozone) and the creation of dust during construction. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will generate less than 10lbs/day of emissions. Proposed grading activities would result in the generation of fugitive dust (PM10), which may result in a nuisance, potentially affecting adjacent agricultural land uses.

**Mitigation/Conclusion.** Based on the size of the proposed project, there is sufficient ground disturbance to warrant construction dust control mitigation. To mitigate these potential impacts, the applicant has agreed to implement APCD's standard construction dust control measures including the use of water to spray down disturbed soil, posted speed limits, and revegetation of unstabilized areas. Implementation of these measures would reduce the potential for dust nuisance to less than significant.

#### 4. BIOLOGICAL RESOURCES -

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Setting.

*Special Status Species.* The project site is located within critical vernal pool habitat region. The project's current uses include a winery facility, tasting room, paving, and vineyards and proposed development location would not support vernal pool habitat. Based on the California Natural Diversity Database (2003), the project site is located within the habitat range of San Joaquin kit fox (*Vulpes macrotis mutica*), a State Threatened and Federally Endangered Species.

*Native and Important Vegetation.* Blue oak (*Quercus douglasii*) woodland is located along the southern perimeter of the project site. The applicant is not proposing to remove any oak trees, and the proposed expansion would not impact any oak trees.

*Wetland and Riparian Habitat.* A seasonal tributary to the Salinas River is located along the southern perimeter of the project site. The applicant is not proposing to directly impact the tributary.

#### Impact.

*Special Status Species.* *San Joaquin Kit Fox Habitat Evaluation Form* was prepared by Victoria Trautman, Baxter Biological Consulting on February 5, 2004. The evaluation determined that three acres

of San Joaquin kit fox habitat would be permanently impacted by the proposed project.

Wetland and Riparian Habitat. During proposed grading and construction activities, inadvertent disturbance to the riparian corridor associated with the seasonal tributary to the Salinas River may occur.

#### **Mitigation/Conclusion.**

Special-status Wildlife Species. Based on the results of the *San Joaquin Kit Fox Evaluation Form* and consultation with the California Department of Fish and Game (CDFG), the applicant is required to mitigate for the loss of San Joaquin kit fox habitat at a 1:1 ratio, for a total replacement acreage of three acres (Bob Stafford; March 24, 2004). The applicant has agreed to pay an in-lieu fee or establish a conservation easement to mitigate for the loss of habitat. To prevent inadvertent harm during future development of the proposed project site, the applicant has agreed to retain a biologist for a pre-construction survey and implement cautionary construction measures.

Wetland and Riparian Habitat. To minimize impacts to the riparian corridor, the applicant has agreed to install protection fencing at the proposed limits of grading. No equipment shall be allowed outside of areas approved for disturbance.

Implementation of the above measures will mitigate biological impacts to less than a significant level.

#### **5. CULTURAL RESOURCES -**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project site is located within an area historically occupied by the Obispeño Chumash and Southern Salinan Native Americans. The proposed expansion would be located in areas previously disturbed by development of the existing winery facility, tasting room, parking areas, and vineyards. No historic structures are present and no paleontological resources are known to exist in the area.

**Mitigation/Conclusion.** Based on the existing developed condition of the project site and location of proposed structures, impacts to cultural resources is unlikely, and no mitigation measures are required.

#### **6. GEOLOGY AND SOILS -**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines &amp; Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**6. GEOLOGY AND SOILS -***Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.**

**Geology.** The topography of the project site is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered moderate. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine rock. There is no evidence that measures above what will already be required by ordinance or code are needed.

**Drainage.** An unnamed seasonal tributary to the Salinas River is located along the southern perimeter of the project site. The area proposed for development is outside the 100-year Flood Hazard designation. As described in the Natural Resources Conservation Service (NRCS) Soil Survey, the soils mapped for the site are very poorly to moderately drained. Existing drainage features onsite include concrete swales, rip-rap, and drain-inlets. No specific measures above what will already be required by ordinance or code are considered necessary.

**Sedimentation and Erosion.** The soil types mapped for the project site are San Ysidro Loam (0-2%) and Arbuckle-Positas Complex (50-75%). As described in the NRCS Soil Survey, the soil surface is considered to have moderate to high erodibility and has a low shrink-swell characteristic.

**Impact.**

**Sedimentation and Erosion.** Erosion of graded areas and discharge of sediment down gradient would likely result if adequate temporary and permanent measures are not taken before, during and after vegetation removal and grading during the construction phase of the project. If not properly mitigated, these impacts both on the project site and within surrounding areas may be significant.

**Mitigation/Conclusion.** To mitigate for impacts resulting from erosion and down-gradient sedimentation, the applicant has agreed to submit an erosion and sedimentation plan including both temporary and permanent erosion control measures. Measures shall include best management practices to prevent sediment and any other pollutants from entering the unnamed tributary to the Salinas River. Implementation of the County-approved erosion and sediment control plan would mitigate geology and soils impacts to less than significant.

## 7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b>Interfere with an emergency response or evacuation plan?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b>Expose people to safety risk associated with airport flight pattern?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b>Create any other health hazard or potential hazard?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <b>Other _____</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Setting/Impact.

**Hazardous Materials.** The proposed project is located in an area of predominantly agricultural uses. There are no known hazardous waste sites or pipelines underlying or in the vicinity of the project area and the project does not propose the use of hazardous materials.

**Fire Hazard.** The proposed project was referred to the California Department of Forestry/County Fire (CDF) for review, and no significant fire hazard impacts were identified. The project parcel is located within an area of moderate fire hazard, and is subject to regulations enforced by the California Department of Forestry/County Fire Department. Regulations include, but are not limited to, installation of a fire extinguishing system, secondary/emergency power source, portable fire extinguishers, a water storage tank, water supply connection, and roof access (Gilbert Portillo; March 29, 2004). The proposed structures would be inspected by CDF prior to operation.

**Airport Review.** The proposed project site is within the Airport Review Area for the Paso Robles Airport. The proposed project was referred to the Airport Land Use Commission (ALUC). The ALUC did not respond to the project referral. Based on the project's consistency with existing land use, the proposed expansion does not appear to result in a significant increase in safety risks resulting from the current airport flight pattern.

**Mitigation/Conclusion.** Based on implementation of required regulations, hazard-related impacts would be less than significant and no mitigation measures are required.

**8. NOISE - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project area proposed for development is located approximately 400 feet west of Airport Road, which generates minimal noise in the area. The topography between the project site and the road is nearly level. The project site is located within the Airport Review Area for the Paso Robles Airport. The noise contour maps of the County's Noise Element indicate that the project site is located outside of the 60 Community Noise Exposure Level (CNEL) contour for the airport (threshold of acceptability). The project site is surrounded by agricultural uses, including vineyards.

**Mitigation/Conclusion.** Based on the project's location within an agriculturally-developed area, and proposed expansion of existing winery facility uses, noise impacts would be less than significant and no mitigation is necessary.

**9. POPULATION/HOUSING - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project is not anticipated to induce growth, create the need for new housing, or use a substantial amount of fuel or energy to construct and maintain. The proposed winery facility does not displace existing housing or people.

**Mitigation/Conclusion.** No significant population and housing impacts are expected to occur, and no mitigation is necessary.



**10. PUBLIC SERVICES/UTILITIES -**

*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

- |   |                          |                                     |                                     |                          |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) <i>Fire protection?</i>                        | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) <i>Police protection (e.g., Sheriff, CHP)?</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) <i>Schools?</i>                                | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| d) <i>Roads?</i>                                  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Solid Wastes?</i>                           | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) <i>Other public facilities?</i>                | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) <i>Other</i> _____                             | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** The proposed project site is served by the County Sheriffs Department, and California Department of Forestry/San Luis Obispo County Fire Department (CDF) as the primary emergency responders. The closest CDF fire station is the Paso Robles station located approximately 1.15 miles from the proposed project site. The closest Sheriff substation is in Templeton located approximately nine miles from the proposed project site. The applicant proposes to continue using pomace generated by the wine processing facility on the adjacent vineyards to minimize off site transport of wastes to the local landfills.

**Impact.** This proposed project, along with numerous others in the area would have a cumulative effect on police and fire protection, and schools.

**Mitigation/Conclusion.** Public facility and school fee programs have been adopted to address this impact and would reduce the cumulative impact to a level of insignificance. No significant project-specific impacts to utilities or public services were identified.

**11. RECREATION - Will the project:**

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) <i>Increase the use or demand for parks or other recreation opportunities?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Affect the access to trails, parks or other recreation opportunities?</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Other</i> _____   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact.** The County Trails Plan does not show a future trail being considered on the project site, and no recreational resources are located on or in the vicinity of the parcel. The project is not proposed in a location that will affect any trail, park or other recreational resource, and will not create a significant need for additional park or recreational resources.

**Mitigation/Conclusion.** No significant impacts to recreational resources were identified, and no mitigation is necessary.

**12. TRANSPORTATION/****CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project site is currently accessed from Airport Road, a two-lane collector connecting Highway 46 and Estrella Road. The existing facility operates Monday through Friday from 8:00 a.m. to 5:00 p.m., and the existing tasting room operates Monday through Sunday from 10:00 a.m. to 5:00 p.m. The winery employs a total of 17 people, and there is a total of 42 parking spaces onsite. A traffic study was submitted for the existing winery facility in 1997 (Higgins Associates; April 18, 1997). Up to 118 average daily trips are currently generated by the facility and tasting room during the peak spring and fall seasons.

**Impact.** The applicant is proposing an expansion of processing facilities, and is not proposing an expansion of the visitor's center. Based on information provided by the applicant, the total number of trips resulting from the proposed expansion would be 12 during the a.m. peak hours, and 17 during the p.m. peak hours. The applicant is proposing an additional 29 spaces and a 30-space overflow parking area with the proposed expansion, for a total parking count of 101 spaces. The expansion would result in more on-site processing of adjacent vineyards, and would reduce the number of trips generated by transport trucks delivering grapes from the on-site vineyards to off-site wineries. The applicant is not proposing to process grapes from off-site facilities. The proposed project was referred to the County Department of Public Works for review. The Department of Public Works reviewed the proposed project and did not have any concerns (Mike Goodwin; November 20, 2003).

**Mitigation/Conclusion.** Based on the proposed project location, existing and projected acceptable level of service and capacity of local roads, and the referral response from the Department of Public Works, traffic and circulation impacts resulting from the proposed project would be insignificant, and no mitigation measures are required.

**13. WASTEWATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <b>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b>Adversely affect community wastewater service provider?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <b>Other</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type where the on-site wastewater system will be placed is San Ysidro Complex (0-2%). For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the soil's ability to percolate or "filter" effluent, the soil's depth and the slope on which the system is placed. To assure a successful system that meets the Central Coast Basin Plan, additional analysis or engineering is needed when one or more factors exist: the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch); the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or the separation between the bottom of the leach line to bedrock or high groundwater is less than five feet. Based on the NRCS Soil Survey, the main limitation(s) of this soil for wastewater effluent include slow percolation and shallow depth to bedrock.

There is an existing septic tank/leach field for domestic effluent, and two existing wastewater treatment ponds for "blackwater" onsite. The applicant has a waste discharge permit from the Regional Water Quality Control Board for operation of the wastewater ponds. The existing permit allows a maximum peak seasonal process wastewater discharge of 22,000 gallons per day. Current peak flows for the winery documented from the October 2003 season reached a maximum flow rate of 21,740 gallons per day (Roger Briggs; June 2, 2004).

**Impact.** The applicant proposes to construct the expansion in five phases. Implementation of Phase One would increase the peak discharge rate by 7,000 gallons per day, Phase Two would increase the peak discharge rate by 2,000 gallons per day, Phase Three would increase the peak discharge rate by 9,000 gallons per day, Phase Four would increase the peak discharge rate by 3,500 gallons per day, and Phase Five would increase the peak discharge rate by 3,000 to 3,500 gallons per day. The applicant proposes to implement water conservation measures during the crush and bottling seasons, and would continue using grape pomace on existing vineyards.

The proposed project was referred to the County Environmental Health Division and RWQCB for review. County Environmental Health recommended standard stock conditions for water and wastewater, and expressed concerns regarding the capacity of the existing wastewater treatment ponds (Laurie Salo; November 14, 2003). The RWQCB determined that implementation of the proposed expansion would exceed the current limitations of the existing wastewater discharge permit. Implementation of the proposed project would require a revision to the current waste discharge permit, and an expansion of the existing wastewater treatment ponds (Roger Briggs; June 2, 2004). Expansion of the existing ponds would occur within areas currently disturbed areas.

**Mitigation/Conclusion.** To ensure compliance with the Central Coast Basin Plan, the applicant has agreed to submit to the County and RWQCB construction plans for the proposed wastewater treatment pond upgrades, and obtain a revised waste discharge permit from the RWQCB.

**14. WATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.**

Water Usage. The project proposes to use an existing on-site well for its water source. Current peak water usage is approximately 21,000 gallons per day. The expansion is proposed to be constructed in phases. Ultimately, an additional 28,000 gallons per day will be used. Implementation of Phase One would increase the peak rate by 7,000 gallons per day, Phase Two would increase the peak rate by 2,000 gallons per day, Phase Three would increase the peak rate by 9,000 gallons per day, Phase Four would increase the peak rate by 3,500 gallons per day, and Phase Five would increase the peak rate by 3,000 to 3,500 gallons per day.

Surface Water. An unnamed seasonal tributary to the Salinas River is located along the southern perimeter of the project site. The topography of the site is nearly level. Implementation of grading and construction activities may result in sediment or pollution discharge into the adjacent tributary.

**Mitigation/Conclusion.**

Water Usage. To assure that adequate water will be available for the proposed development, the project will be subject to County's Title 19 (Building and Construction Ordinance, Sec. 19.20.238), which states that no grading or building permit shall be issued until either the water purveyor provides a written statement that potable water service will be provided (community systems), or an on-site well is installed, tested and certified to meet minimum capacity requirements and Health Department approval. In addition, pursuant to Sections 22.16.030 and 22.26.040 of the County's Land Use Ordinance, the proposed landscape plan is required to incorporate water efficient landscape methods and materials shall be used to reduce water consumption to the extent possible.

Surface Water. In addition to implementation of an erosion and sedimentation control plan (refer to Section 6), the applicant is required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) approved by the State Water Resources Control Board (SWRCB). The SWPPP is required because the applicant is proposing to disturb over one acre of soil. The SWPPP shall be applicable to each phase of proposed development.

**15. LAND USE - Will the project:**

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Salinas River Area Plan). The project site is not located within a Habitat Conservation Area. The project was found to be consistent with these documents. Referrals were sent to several agencies to review for various policy consistencies including the County of San Luis Obispo Departments of Environmental Health, Public Works, Agricultural Commissioner, and California Department of Forestry/County Fire, City of Paso Robles, Airport Land Use Commission, Paso Robles Airport Manager, and Regional Water Quality Control Board. These agencies did not indicate any inconsistencies with existing policies or plans. The applicant will obtain all required permits and approvals from County Fire, Environmental Health, and the Regional Water Quality Control Board prior to construction or operation.

The surrounding uses consist of vineyards. The proposed project is compatible with these surrounding uses because the proposal consists of an expansion of existing facilities.

**Mitigation/Conclusion** - No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

**16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other</i>				

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**current project's, and the effects of  
probable future projects)**



- c) **Have environmental effects which will cause substantial  
adverse effects on human beings, either directly or  
indirectly?**



For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

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# **Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an "X") and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<u>X</u>	County Public Works Department	<b>In File*</b>
<u>X</u>	County Environmental Health Division	<b>Attached</b>
<u>X</u>	County Agricultural Commissioner's Office	<b>Attached</b>
<u>X</u>	County Airport Manager	<b>No Response</b>
<u>X</u>	Airport Land Use Commission	<b>No Response</b>
—	Air Pollution Control District	<b>Not Applicable</b>
—	County Sheriff's Department	<b>Not Applicable</b>
<u>X</u>	Regional Water Quality Control Board	<b>Attached</b>
—	CA Coastal Commission	<b>Not Applicable</b>
<u>X</u>	CA Department of Fish and Game	<b>Attached</b>
<u>X</u>	CA Department of Forestry	<b>Attached</b>
—	CA Department of Transportation	<b>Not Applicable</b>
—	_____ Community Service District	<b>Not Applicable</b>
—	Other _____	

\* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("✓") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<u>✓</u> Project File for the Subject Application	<u>✓</u> <u>Salinas River</u> Area Plan and Update
<u>County documents</u>	<u>EIR</u>
— Airport Land Use Plans	— Circulation Study
<u>✓</u> Annual Resource Summary Report	<u>Other documents</u>
— Building and Construction Ordinance	<u>✓</u> Archaeological Resources Map
— Coastal Policies	<u>✓</u> Area of Critical Concerns Map
<u>✓</u> Framework for Planning (Coastal & Inland)	<u>✓</u> Areas of Special Biological Importance Map
<u>✓</u> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<u>✓</u> California Natural Species Diversity Database
— <u>✓</u> Agriculture & Open Space Element	<u>✓</u> Clean Air Plan
— <u>✓</u> Energy Element	<u>✓</u> Fire Hazard Severity Map
— <u>✓</u> Environment Plan (Conservation, Historic and Esthetic Elements)	<u>✓</u> Flood Hazard Maps
— <u>✓</u> Housing Element	<u>✓</u> Natural Resources Conservation Service Soil Survey for San Luis Obispo County
— <u>✓</u> Noise Element	<u>✓</u> Regional Transportation Plan
— <u>✓</u> Parks & Recreation Element	<u>✓</u> Uniform Fire Code
— <u>✓</u> Safety Element	<u>✓</u> Water Quality Control Plan (Central Coast Basin - Region 3)
<u>✓</u> Land Use Ordinance	— Other _____
— Real Property Division Ordinance	— Other _____
— Trails Plan	
— Solid Waste Management Plan	

In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

Higgins Associates. April 18, 1997. *Trip Generation Study*.

Trautman, Victoria. February 5, 2004. *San Joaquin Kit Fox Habitat Evaluation Form*.

## Exhibit B - Mitigation Summary Table

### Air Quality

- AQ-1 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- Reduce the amount of disturbed area where possible;
  - Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
  - All dirt stock-pile areas should be sprayed daily as needed;
  - All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and,
  - Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

### Biological Resources

Based on the results of previous *Kit Fox Habitat Evaluations* that have been conducted for the project site, and consultation with the Department of Fish and Game (Bob Stafford; March 24, 2004), the mitigation ratio is 1:1. Total compensatory mitigation required for the project is three (3) acres, based on 1 times 3 acres impacted. The mitigation options identified in BR-1 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

- BR-1 Prior to issuance of a grading permit, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 3 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) or other Department-approved organization pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to



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provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", totals \$7,500. This fee must be paid after the Department provides written notification about the approved mitigation options, and prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 3 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 3 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

The purpose of the easement is to retain the existing wildlife movement corridor located on the project site and to set aside an un-fragmented section of land that will benefit the San Joaquin kit fox along with other associated plant and animal species. The easement shall:

- 1) Provide a complete corridor through the subject property;
- 2) Prohibit development of the area, including agricultural development;
- 3) Prohibit removal or alteration of native plants and animals;
- 4) Prohibit use of the area for agricultural staging activities or storage of any kind;
- 5) Allow for scientific investigation conducted as part of a project of plan instigated by the land owner, or otherwise approved by the land owner and the United States Fish and Wildlife Service and/or California Department of Fish and Game; and
- 6) Allow for flood control and stream bank stabilization activities conducted with approved state, federal, and local permits.

The easement shall not:

- 7) Allow for or imply public access.

BR-2 Prior to issuance of construction permit, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a
  - a. Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
  - b. Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.

- BR-3 Prior to issuance of construction permit, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
- BR-4 Prior to construction, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
- BR-5 To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-6 During the construction, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.
- BR-7 All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.
- BR-8 Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-9 All workers and associated personnel shall obey the posted 25-mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.
- BR-10 No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:
- a. Fenced exclusion zones shall be established around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

2-42

- a. Potential San Joaquin kit fox den: 50 feet
  - b. Known San Joaquin kit fox den: 100 feet
  - c. San Joaquin kit fox pupping den: 150 feet
- 
- b. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.
  - c. If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.
- 
- BR-11 Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.
- BR-12 Prior to final inspection, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire stand/pole is used, the lowest strand shall be no closer to the ground than twelve inches;
  - b. If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.
- BR-13 Prior to issuance of construction permit, the applicant shall install bright construction fencing at the perimeter of approved grading limits. The use and storage of equipment and materials is not permitted outside of areas approved for disturbance.

#### Geology and Soils

- GS-1 Prior to issuance of construction permits, the applicant shall submit a sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall meet the requirements of Land Use Ordinance Section 22.52.090, and shall include best management practices (BMPs), and pollution prevention measures and shall be approved by the Planning and Building Department in consultation with the Public Works Department.

#### Wastewater

- WW-1 Prior to issuance of construction permits, the applicant shall submit construction plans for the upgraded wastewater treatment ponds to the County of San Luis Obispo and Regional Water Quality Control Board for review.

2-43

WW-2 Prior to issuance of construction permits, the applicant shall submit a revised Waste Discharge permit from the Regional Water Quality Control Board. A copy of the revised permit shall be submitted to the County Planning and Building Department and Environmental Health Department.

Water

W-1 Prior to issuance of construction permits, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State Water Resources Control Board (SWRCB).

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8



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

NOV 17 2003

OCT 29 2003 VICTOR HOLANDA, AICP  
DIRECTOR

Planning &amp; Bldg

THIS IS A NEW PROJECT REFERRAL

DATE:

Oct 29, 2003

TO:

Env. Health

FROM:

No. County Team

(Please direct response to the above)

D030099D/J. Lohr

Project Name and Number

Development Review Section (Phone: 788-

2009)

PROJECT DESCRIPTION:

Expand existing operations by  
110,000 SF in production, fermentation & storage  
facilities.

Return this letter with your comments attached no later than:

Nov. 13, 2003

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES  
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Stock conditions on-site water and wastewater are recommended.  
 Concerns would be to update discharge permit from RWQCB  
 and assure existing systems are able to accommodate increase.

Date

11/14/03

Name

J. Salvo

Phone

781-5551



2-45  
COUNTY OF SAN LUIS OBISPO


## Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556  
ROBERT F. LILLEY (805) 781-5910  
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

December 16, 2003

TO: No. County Team, Planning Department

FROM: Tamara Kleemann, Agricultural Inspector/Biologist 

SUBJECT: J. Lohr Development Plan D030099D

### Summary of Findings

The Agriculture Department's review finds that the proposed J. Lohr Development Plan for expansion of the existing winery facility will have:

- ☐ **Potential** to create a significant environmental impact(s) to agricultural resources or operations.
- ☒ **Less than significant** impact(s) to agricultural resources or operations because the proposed expansion of the existing winery processing facility would not appear to generate significant incompatibility impacts to adjacent agricultural lands.
- ☐ **No Anticipated Impact** to agricultural resources.

### Introduction

The following report responds to your request for Agriculture Department comments on the proposed J. Lohr Development Plan. The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

### A. Project Description and Agricultural Setting

The project entails the expansion of an existing winery by 110,000 square feet in production, fermentation, storage facilities and 4,000 square feet in administrative office. The winery facility is located on a 14.9 acre parcel. The property is located within the Agriculture land

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**J. Lohr Development Plan D030099D**

**December 16, 2003**

**Page 2**

use category. The adjacent uses are within the Agriculture land use category, including a vineyard owned and operated by the applicant.

**B. General Plan Policy Comments**

Winery and related uses are evaluated for consistency with the Agriculture and Open Space Element, AGP6: Visitor Serving and Retail Commercial Use and Facilities, AGP8: Intensive Agricultural Facilities, the Land Use Ordinance, Title 22, Section 22.30.070 and for potential impacts to agricultural resources, within the parameters of the California Environmental Quality Act.

Policies in the Agriculture and Open Space Element, contain site location and scope of project parameters for the development of wineries. The intent is to provide for the appropriate location of agricultural processing facilities (wineries) in agricultural areas. Generally winery projects support the sustainability of the local wine grape industry by providing the capability for processing the grapes locally. The expansion of the winery facility will provide for the processing of grapes produced on and off site and is consistent with the policy (AGP8) concerning wineries. This winery would support the wine grape industry in the Paso Robles area.

**C. Agricultural Resources Impact Comments**

***1. Agriculturally Productive Soils***

The proposed expansion will remove approximately 3 acres of existing vineyard. In the context of the entire vineyard winery operation the 3 acres is not considered significant. The applicant's goal over the next 10 years is to have the production capability of 1,000,000 cases.

***2. Agricultural Compatibility Impacts***

The adjacent vineyards are currently owned and operated by the applicant. The proposed expansion of the existing winery processing facility would not appear to generate significant incompatibility impacts to adjacent agricultural lands.

**D. Recommended Mitigation Measures**

Based on the above determination no mitigation measures are recommended.

For further assistance please call: 781- 4696.

CC: D. Sawyer, Inc



Terry  
Tamminen  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Central Coast Region

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>  
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401  
Phone (805) 549-3147 • FAX (805) 543-0397



Arnold  
Schwarzenegger  
Governor

June 2, 2004

Susan Callado  
San Luis Obispo Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

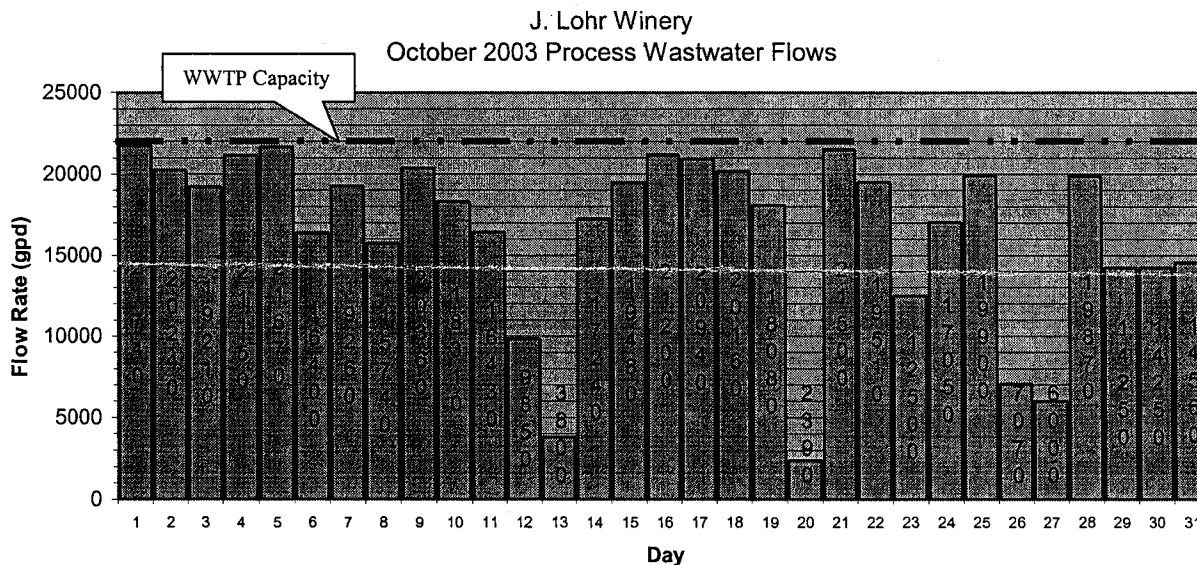
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JUN 04 2004  
Planning & Bldg

Dear Ms. Callado:

### J. LOHR WINERY EXPANSION

We received Dutch Sawyer's March 17, 2004 letter concerning the proposed J. Lohr Winery expansion, which included responses to our November 20, 2003 letter. As you requested, here are our comments on Dutch Sawyer's March 17, 2004 letter.

1. Dutch Sawyer responded, "The current discharge permit issued by Regional Water Quality Control allows for the discharge of 22,000 gallons daily." The actual flow limit says, "Peak seasonal process wastewater discharge shall not exceed 22,000 gallons per day." Thus, the flow limit is a daily peak limit, not an average limit.
2. Dutch Sawyer responded, "The current discharge rate averages 14,000 gallons daily, during peak operations occurring between the 1<sup>st</sup> of September and the end of October." While average rates are interesting, the peak rate concerns us. The following chart shows the October 2003 winery process wastewater flows, as reported to us by J. Lohr Winery:



The chart demonstrates that existing process flows routinely approach the peak flow limit.

California Environmental Protection Agency



Recycled Paper



- 2-48
3. Dutch Sawyer responded that expansion Phase 1 would not require any change to the existing discharge permit. Based on the above chart, it is difficult to imagine how a 7,000 gpd increase in wastewater flows will not require any changes to the existing operation. Clearly, if the discharger cannot conserve 7,000 gallons of water per day (about one-third of their current peak water usage), they will violate our peak flow limit.
  4. Dutch Sawyer responded that expansion phases 2 through 5 would require an increase to the existing wastewater discharge permit or implementation of water conserving measures. If flows exceed the design capabilities of the wastewater treatment and disposal system, then getting an increase to the existing wastewater discharge permit would require a significant facility modification, which would require adequate supporting engineering. With regards to water conservation, it is difficult to imagine how J.Lohr Winery can conserve enough water to avoid even a modest expansion in production.


It is our recollection that the J.Lohr Winery proposes to increase wine production tenfold while increasing wastewater generation only twofold. While economies of scale may produce some efficiency, such drastic wastewater generation rate reductions seem optimistic. We would look a little closer at the wastewater generation rate projections.

Over the last few crushes we witnessed extremely heavy solids retention, suggesting that either the wastewater plant has neared its limit, does not perform as designed, or is not operated sufficiently. We would be happy to accompany you on a visit to the wastewater plant during the height of the 2004 crush so that you may see firsthand how it handles existing wastewater flows.

If you have questions, please call **Tom Kukol at (805) 549-3689** or Harvey Packard at (805) 542-4639.

Sincerely,



 Roger W. Briggs  
Executive Officer

121-01

TJK: S:\WDR\WDR Facilities\San Luis Obispo Co\J Lohr Winery\J Lohr Expansion 2.doc

File: Lohr, J. Winery





2-49

# California Regional Water Quality Control Board

## Central Coast Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>  
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401  
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis  
Governor

November 20, 2003

Jamie Kirk  
Planning Department  
County Government Center  
San Luis Obispo, CA 93408

**RECEIVED**

NOV 24 2003

Planning & Bldg

Dear Ms. Kirk:

### J. LOHR WINERY EXPANSION

My staff received the project referral for the proposed J. Lohr winery expansion. It appears that the J. Lohr winery proposes to increase production tenfold. The applicant's supplemental information claims that the existing industrial wastewater treatment and disposal system can accommodate the increased production. Our records indicate otherwise. Our records show that the industrial wastewater system is designed for peak flows of 22,000 gallons per day and, according to J. Lohr winery's monitoring reports (on file at our office), current flows often exceed 20,000 gallons per day. Given that current flows are near the industrial wastewater system's design limit, my staff expects that a tenfold increase in production will result in wastewater flows well above the existing industrial wastewater system's design specification. Also, during peak-season inspections over the last few years, my staff observed the wastewater system firsthand. Visually, my staff got the impression that the industrial wastewater system was near capacity with respect to solids. We doubt that the industrial wastewater system is capable of handling any increase in production.

If you have questions, please call Tom Kukol at (805) 549-3689.

Sincerely,

For: Roger W. Briggs  
Executive Officer

121-01  
TJK: S:\WB\Central Watershed\WDRs\J Lohr Winery\J Lohr Expansion.doc  
File: Lohr, J. Winery

**California Environmental Protection Agency**



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2-50  
**Project Tracking Form**  
(Kit Fox Range)

Project Name Jlohr Winery

Lead Agency County of SLO Planner \_\_\_\_\_

Applicant Name Jlohr Winery

Address 1000 Lenzen Ave City San Jose State CA Zip 95126

Phone Number 408-288-5057 Email \_\_\_\_\_

Original Habitat Evaluation Score 56 Adjusted Habitat Evaluation Score 56

Consulting Biologist Victoria Trautman Date of Evaluation 2-5-04

Consulting Biologist Phone Number 438-3922

Evaluation Reviewed By Stafford Date Reviewed 3-24-04

Amt of Kit Fox Habitat Impacted 3 X Mitigation Ratio 1.1 = 3.0 acres

**Mitigation Obligation**

\_\_\_\_\_ acres on site + \_\_\_\_\_ acres off site + \_\_\_\_\_ acres (conservation bank) = \_\_\_\_\_ Total

**CEQA Review Process**

SCH # \_\_\_\_\_ CEQA document (EIR/Neg Dec) \_\_\_\_\_

Dates of: Public Review Period \_\_\_\_\_ Approval by Planning Commission \_\_\_\_\_

Approval by City Council/Board of Supervisors \_\_\_\_\_ Filing of NOD \_\_\_\_\_

**Mitigation/CESA Agreement**

Lead (County/DFG) \_\_\_\_\_ Mitigation/CESA Agreement # \_\_\_\_\_

Prepared by \_\_\_\_\_ Date \_\_\_\_\_ Date Final MA signed \_\_\_\_\_

Conservation Bank? (Y/N) \_\_\_\_\_ # Credits purchased \_\_\_\_\_ Bank Name \_\_\_\_\_



CDF/San Luis Obispo County  
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

March 29, 2004

County of San Luis Obispo  
Department of Planning/Building  
County Government Center  
San Luis Obispo, CA 93408

Dear North County Team,

## COMMERCIAL DEVELOPMENT PLAN

**Name: J. Lohr      Project Number: D030099D**

The Department has reviewed the development plans submitted for the proposed winery expansion project located at 6169 Airport Rd., Paso Robles. The property is located within the moderate fire hazard severity area, and will require a minimum 6-8 minute response time from the nearest County Fire Station.

**The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:**

### FIRE SAFETY DURING CONSTRUCTION

- Commercial and industrial type projects shall have installed, prior to the start of construction, commercial water system and fire lanes.

### FIRE EXTINGUISHING SYSTEM

- The proposed project is required to install a commercial fire/life safety sprinkler system.
- The automatic fire extinguishing system shall comply with National Fire Protection Association Pamphlet 13, 231, 20, and 22.
- Plans shall be submitted for review and approval to the County Building Departments.
- The Contractor shall be licensed by the State of California [CFC 1003.1.1 amended/Title 19, Section 19.20.029 (a)].
- The fire sprinkler system shall be monitored by a licensed alarm company.

### SECONDARY POWER

- A secondary "emergency power" source shall be installed as back-up to the commercial fire extinguishing system.
- The emergency power supply shall be approved by the county fire department.

### FIRE PROTECTION ENGINEER REQUIREMENTS

We require that a Fire Protection Engineer review the Fire Protection Systems for this project (CFC 103.1.1). If you would like a list of Fire Protection Engineers, it is available on our website at [www.cdfslo.org](http://www.cdfslo.org). The Fire Protection Engineer will require that you provide working plans as outlined in NFPA 13, 6-1 (1996). The Fire Protection Engineer will be required to send the County Fire Department an original letter of the project review they conducted complete with the changes needed.

### PORTABLE FIRE EXTINGUISHER(S)

- Portable fire extinguishers shall be installed and comply with the California Fire Code (2001) Section 1002.1, Standard 10-1.
- The contractor shall be licensed by the State Fire Marshal.
- The minimum requirements will be determined during the building permit/fire safety plan process.

### ROOF ACCESS

- The project shall provide vertical access to the roof from two points.

RECEIVED

APR 07 2004

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT [WWW.CA.GOV](http://WWW.CA.GOV).

Planning & Bldg

2-52

- Access can be provided by the use of landscaping or a fixed laddering system.
- Plans shall be submitted for approval to the County Fire Department.
- Presently the County Fire Department can provide a maximum 16-feet of vertical reach.

## **WATER STORAGE TANK**

- A minimum of 180,000 gallons of water in storage shall be required.
- Emergency water tanks shall have a(n):
  1. automatic fill,
  2. sight gage,
  3. venting system,
  4. The minimum water main size shall not be less than six (6) inches.
  5. Pressures may not be less than 20 psi, nor more than 150 psi (Appendix IIIA).

## **WATER SUPPLY CONNECTION**

- Several fire hydrants shall be required.
- Fire hydrants are to be located with a maximum normal spacing of 300 feet as measured along vehicular travel ways.
- The County Fire Department will assist in hydrant placement and approve distribution system when plans are submitted.
- Fire hydrants shall have two, 2½-inch outlets with National Standard Fire thread, and one 4 inch suction outlet with National Standard Fire thread.
- The Chief shall approve other uses not identified.
- Signing: Each hydrant shall be identified by blue reflective dot.
  - (a) On a non-skid surface, center of roadway, to the fire hydrant side.

## **ACCESS**

- Access road width shall be 18 feet.
- The project shall provide a minimum 20-foot fire lanes for emergency vehicle access.
- All road and driveway surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.

## **ADDRESSING**

- Legible address numbers shall be placed on all structures.
- Legible address numbers shall be located at the driveway entrance.

## **FINAL INSPECTION**

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently South San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at [www.cdfslo.org](http://www.cdfslo.org) ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

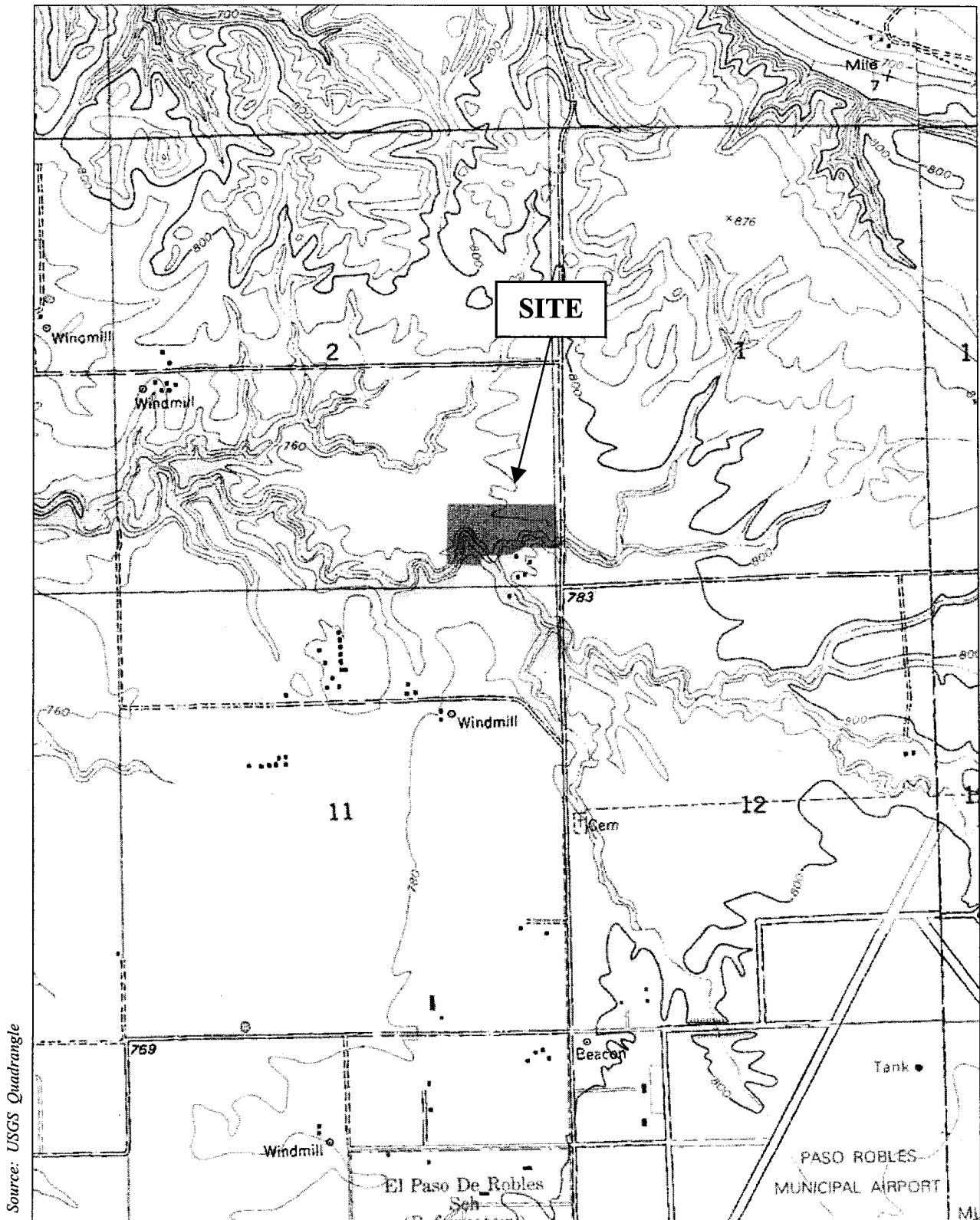
Gilbert R. Portillo  
Fire Inspector

C: J. Lohr. Winery, owner  
Dutch Sawyer, agent



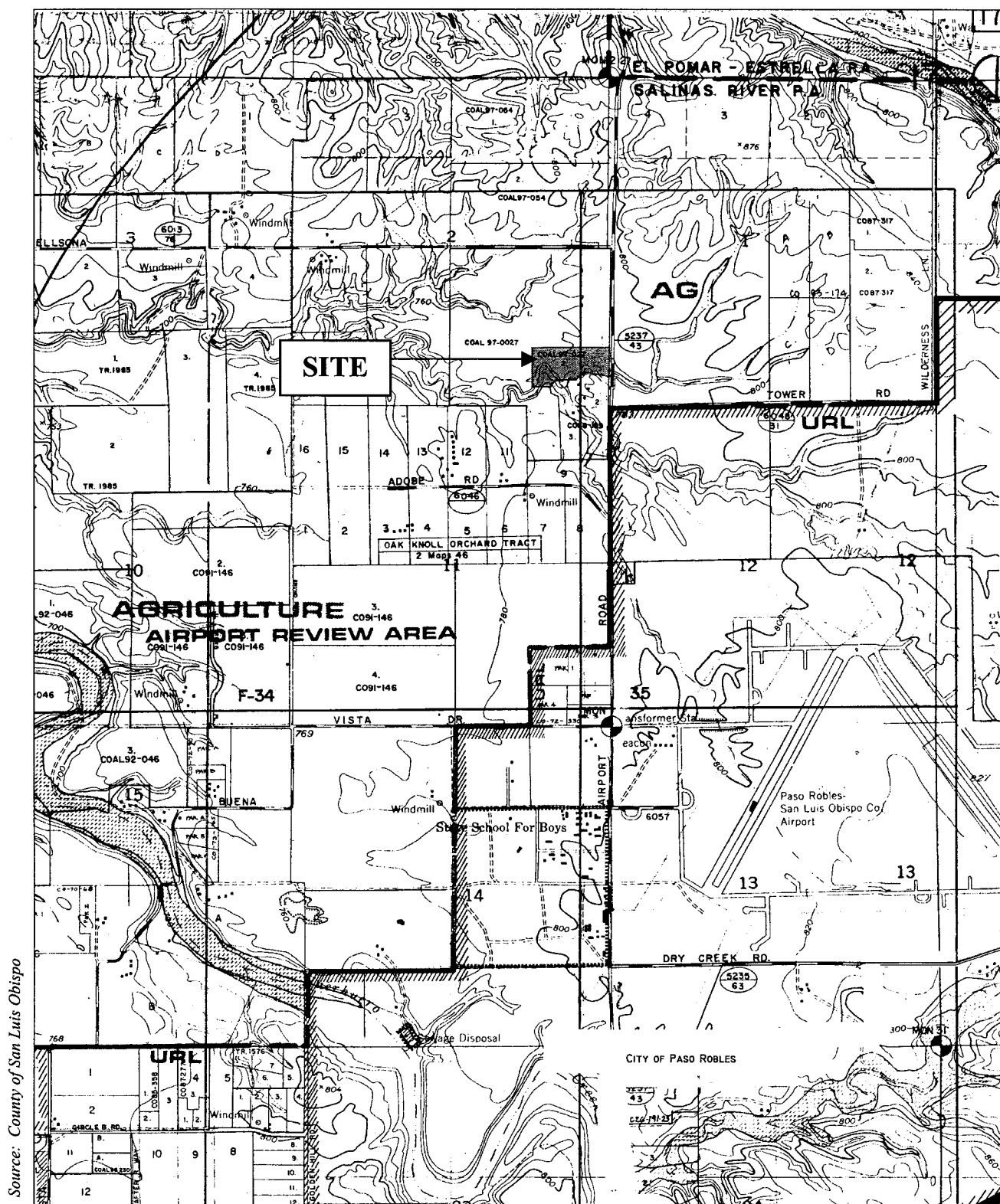
NORTH  
Not to Scale

VICINITY MAP  
FIGURE 1



**NORTH**  
Not to Scale

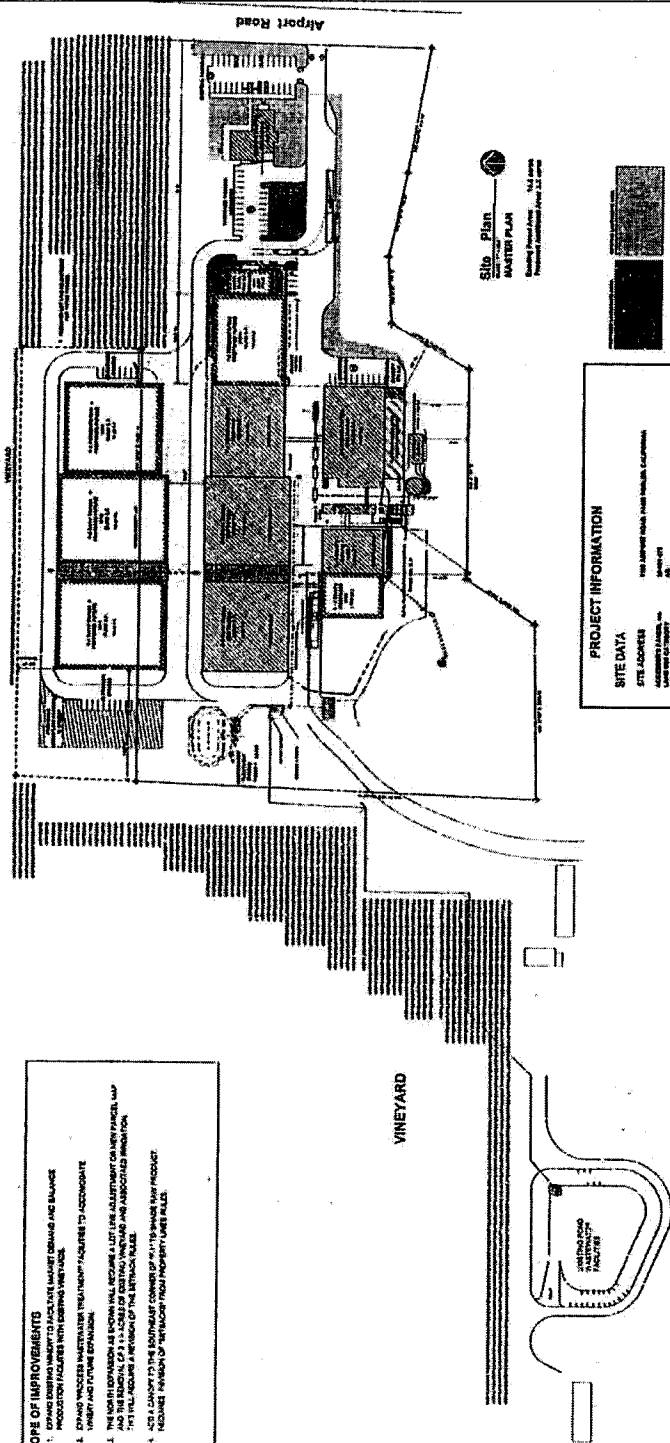
**LOCATION MAP**  
**FIGURE 2**



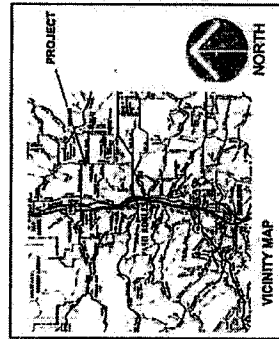
**NORTH**  
Not to Scale

**LAND USE CATEGORY**  
**FIGURE 3**



[illegible][illegible]

PARKING CALCULATIONS	
ENTRANCE PARKING	ENTRANCE
12 SPACES	12 SPACES
4 SPACES	4 SPACES
TOTAL	16 SPACES
EXPANDED PARKING	EXPANDED
7 SPACES	7 SPACES
3 SPACES	3 SPACES
3 SPACES	3 SPACES
TOTAL	13 SPACES
OFFICE	OFFICE - 11 SPACES
MANUFACTURING/PRODUCTION	12 EXPANDED - 27 SPACES
TOTAL	33 SPACES

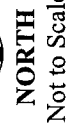
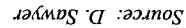


**SHEET INDEX**

T-10	PROJECT DATA VOUCHER/MP
C-10	EMALGED INTERMEDIATE PLAN
A-10	ELEVATIONS F-1 OFFICES
A-20	ELEVATIONS F-1 B-1
A-30	ELEVATIONS F-2
A-40	ELEVATIONS F-3
F-51	FIRE SAFETY
L-1	LANDSCAPE PLAN

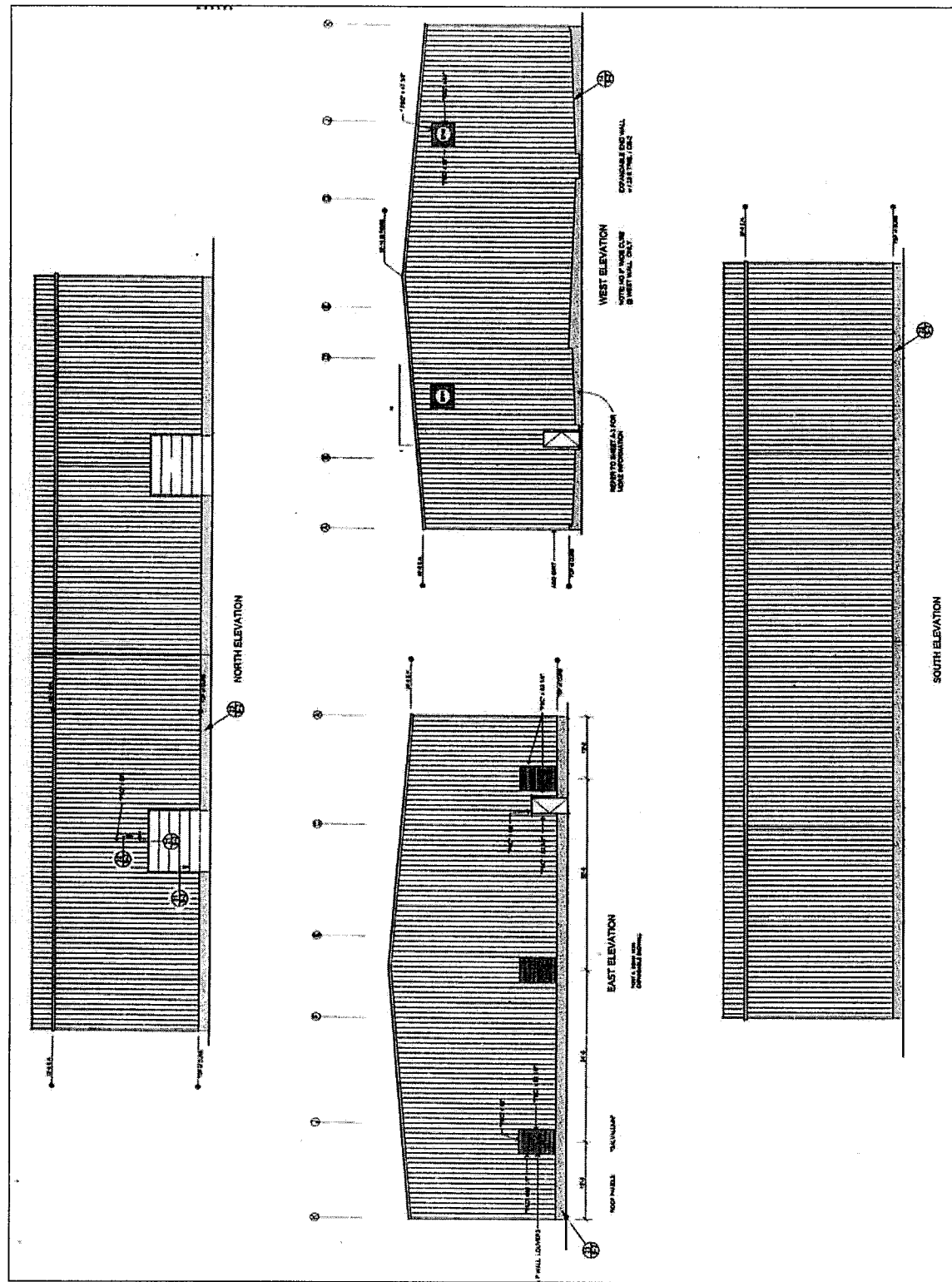
**PROPOSED MASTER PLAN**

**FIGURE 4**



**ENLARGED SITE AND LANDSCAPE PLAN**  
**FIGURE 5**

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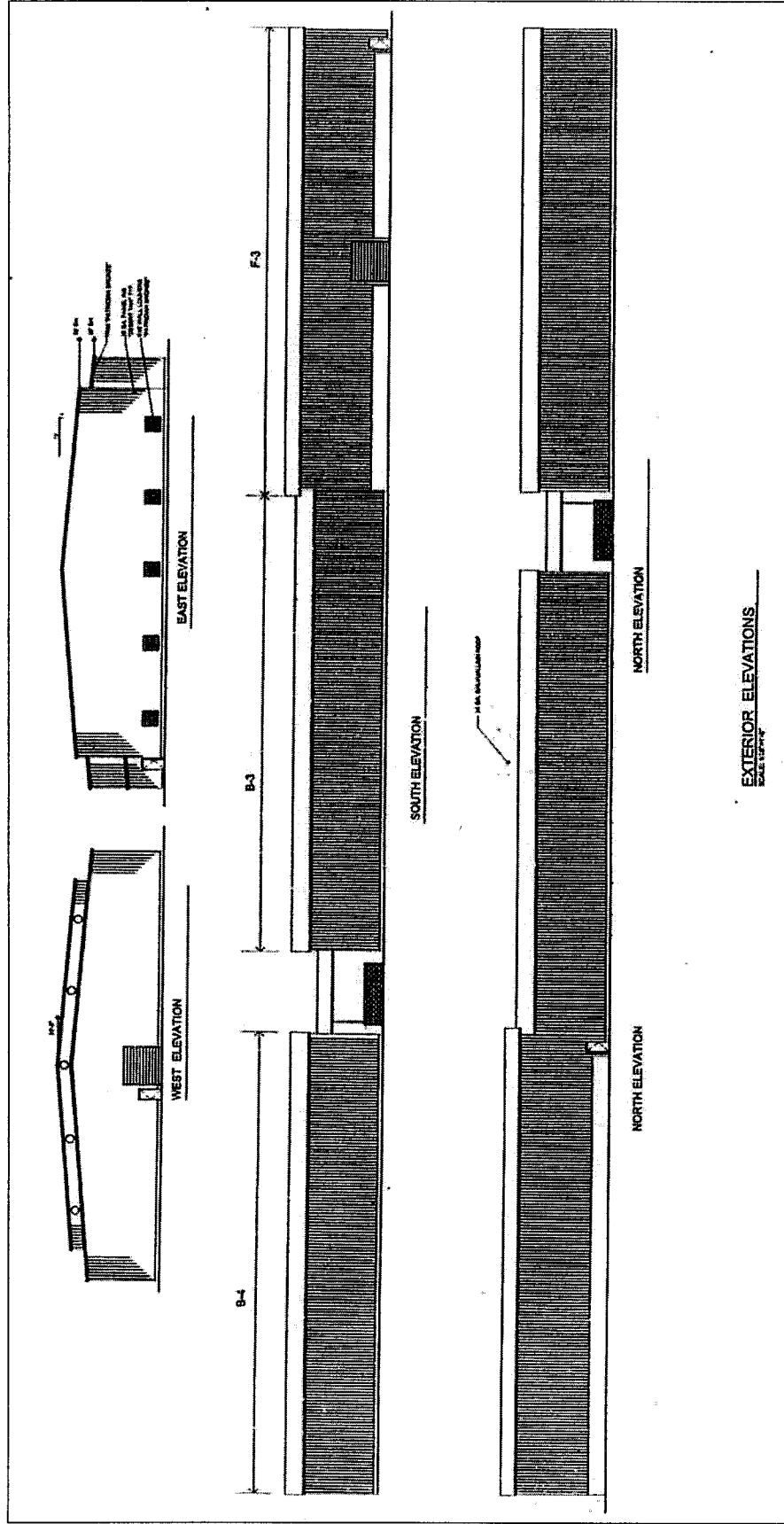


Source: D. Sawyer

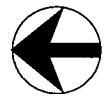


**NORTH**  
Not to Scale

## PROPOSED ELEVATIONS



Source: D. Sawyer

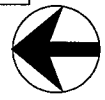
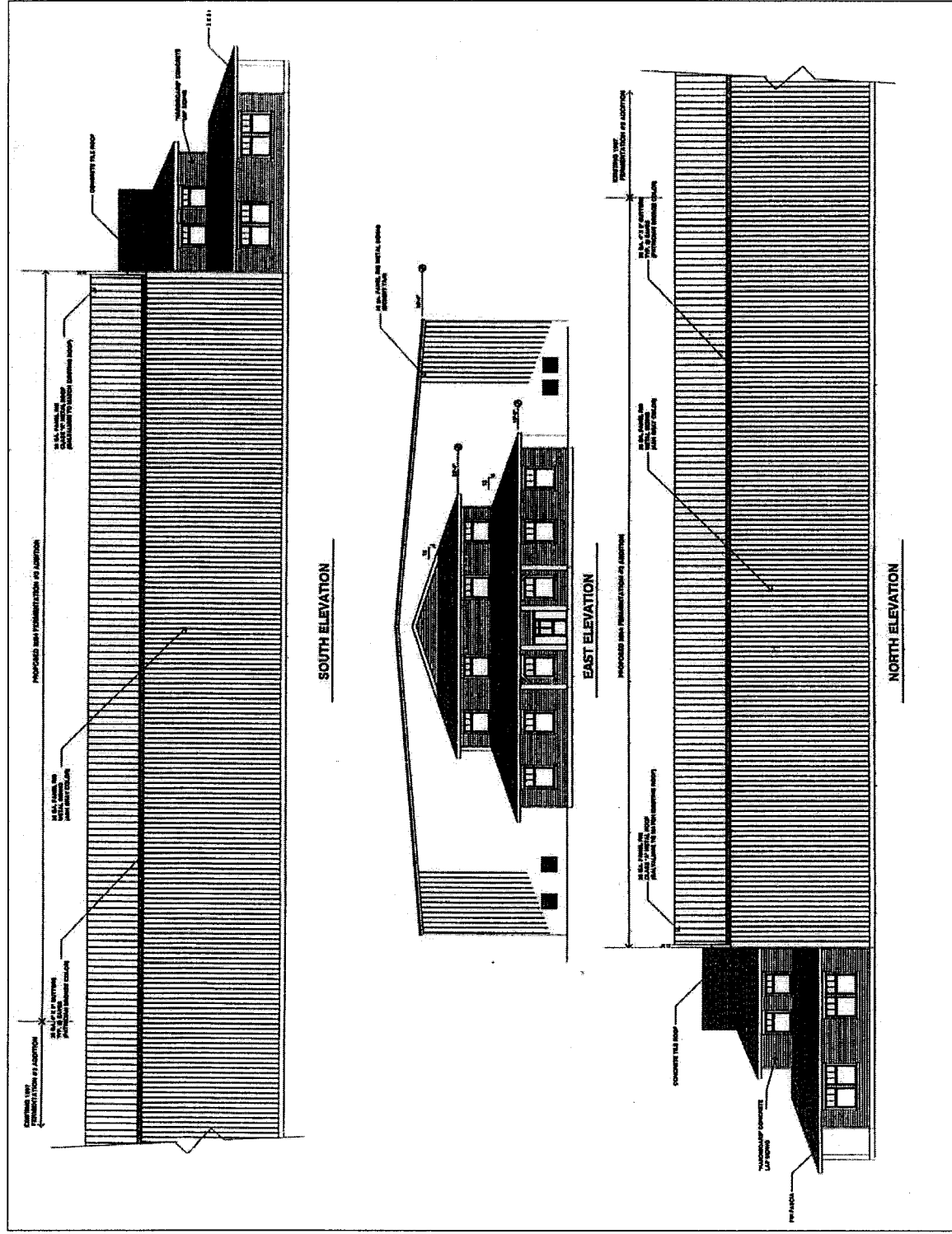


**NORTH**  
Not to Scale

Morro Group, Inc.

**PROPOSED ELEVATIONS**  
**FIGURE 7**

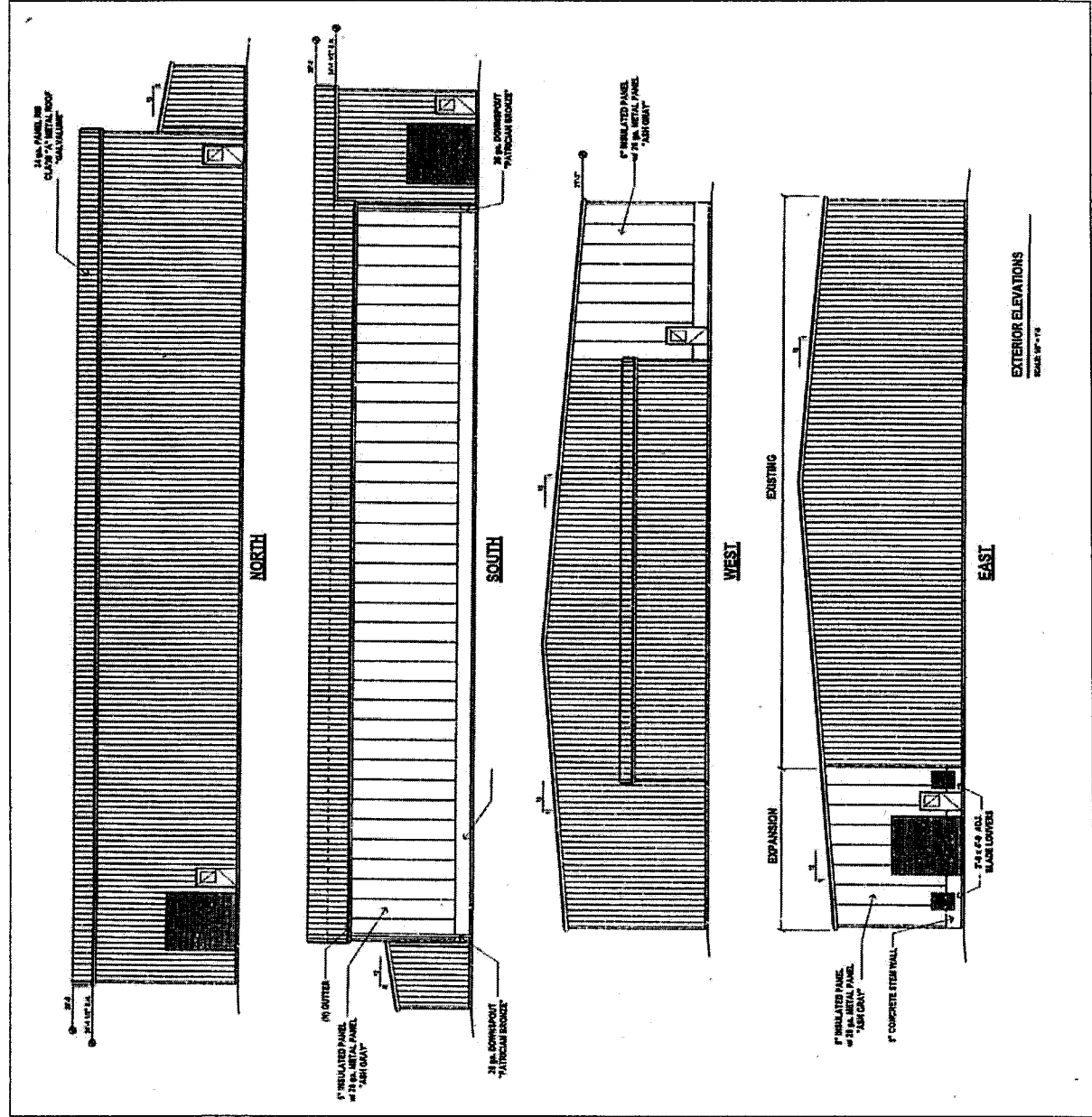
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**NORTH**  
Not to Scale

**PROPOSED ELEVATIONS**  
**FIGURE 8**

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Source: D. Sawyer



NORTH  
Not to Scale

Morro Group, Inc.

PROPOSED ELEVATIONS  
FIGURE 9

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**DEVELOPER'S STATEMENT FOR THE  
J. LOHR WINERY CONDITIONAL USE PERMIT; D0300099D**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

**AIR QUALITY**

**AQ-1 During construction/ground disturbing activities,** the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and,
- e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

**Monitoring:** Compliance shall be verified by the APCD in consultation with the County Department of Planning and Building.

**BIOLOGICAL RESOURCES**

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the project site, and consultation with the Department of Fish and Game (Bob Stafford; March 24, 2004), the mitigation ratio is 1:1. Total compensatory mitigation required for the project is 3.11 acres, based on 1 times 3.11 acres impacted. The project is being constructed in phases and the following provides the amount of mitigation required for each phase:

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**Phasing Plan**

Phase 1-Fermentation Building F-3& Admin Building requires 0.11 acres of mitigation (\$275).

Phase 3-Fermentation Building F-4 requires 1 acre of mitigation (\$2,500).

Phase 4-Barrel Storage B-3 requires 1 acre of mitigation (\$2,500).

Phase 5-Barrel Storage B-4 requires 1 acre of mitigation (\$2,500).

NOTE : Phase 2- Blending Building S-2 does not require kit fox mitigation

The options identified in BR-1 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BR-1 Prior to issuance of a grading or construction permit for the phases noted above, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:**

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 3.11 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) may be phased as noted above and requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) or other Department-approved organization pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", totals \$7,775. The fees may be paid based upon the phasing schedule above. This fee must be paid after the Department provides written notification about the approved mitigation options, and prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase a total of 3.11 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area



and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

These credits may be purchase base upon the phasing schedule above. At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 3.11 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. This mitigation may be phased based upon the phasing schedule noted above. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

The purpose of the easement is to retain the existing wildlife movement corridor located on the project site and to set aside an un-fragmented section of land that will benefit the San Joaquin kit fox along with other associated plant and animal species. The easement shall:

- 1) Provide a complete corridor through the subject property;
- 2) Prohibit development of the area, including agricultural development;
- 3) Prohibit removal or alteration of native plants and animals;
- 4) Prohibit use of the area for agricultural staging activities or storage of any kind;
- 5) Allow for scientific investigation conducted as part of a project of plan instigated by the land owner, or otherwise approved by the land owner and the United States Fish and Wildlife Service and/or California Department of Fish and Game; and
- 6) Allow for flood control and stream bank stabilization activities conducted with approved state, federal, and local permits.

The easement shall not:

- 7) Allow for or imply public access.

**Monitoring:** The Department of Planning and Building shall verify receipt of verification letter and shall approve mitigation in consultation with the California Department of Fish and Game.

- BR-2** Prior to issuance of construction permits for all phases, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
- a. *Prior to issuance of construction permit and within 30 days prior to initiation of*

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*construction*, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.

- b. Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.

**Monitoring:** The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of pre-construction survey letter and monitoring reports.

- BR-3** **Prior to issuance of construction permits for all phases**, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.

**Monitoring:** The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of pre-construction survey letter and monitoring reports.

- BR-4** **Prior to construction of all phases**, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.

**Monitoring:** All workers shall sign a training attendance sheet; the sheet shall be submitted to the Department of Planning and Building.

- BR-5** To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered

shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

**Monitoring:** Compliance shall be documented in the weekly monitoring reports.

- BR-6** During the construction, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.

**Monitoring:** Compliance shall be documented in the weekly monitoring reports.

- BR-7** All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.

**Monitoring:** Compliance shall be documented in the weekly monitoring reports.

- BR-8** Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

**Monitoring:** Compliance shall be documented in the weekly monitoring reports.

- BR-9** All workers and associated personnel shall obey the posted 25-mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.

**Monitoring:** Compliance shall be documented in the weekly monitoring reports.

- BR-10** No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:

- a. Fenced exclusion zones shall be established around all San Joaquin kit fox dens that

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can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- Potential San Joaquin kit fox den: 50 feet
  - Known San Joaquin kit fox den: 100 feet
  - San Joaquin kit fox pupping den: 150 feet
- b. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.
- c. If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.

**Monitoring:** Compliance shall be documented in the weekly monitoring reports.

- BR-11** Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.

**Monitoring:** Compliance shall be documented in the weekly monitoring reports.

- BR-12** **Prior to final inspection,** should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire stand/pole is used, the lowest strand shall be no closer to the ground than

twelve inches;

- b. If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.

**Monitoring:** Compliance shall be documented in the weekly monitoring reports or by the County Department of Planning and Building.

**BR-13 Prior to issuance of construction permits for all phases,** the applicant shall install bright construction fencing at the perimeter of approved grading limits. The use and storage of equipment and materials is not permitted outside of areas approved for disturbance.

**Monitoring:** The Department of Planning and Building shall verify compliance.

### GEOLOGY AND SOILS

**GS-1 Prior to issuance of construction permits,** the applicant shall submit a sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall meet the requirements of Land Use Ordinance Section 22.52.090, and shall include best management practices (BMPs), and pollution prevention measures and shall be approved by the Planning and Building Department in consultation with the Public Works Department.

**Monitoring:** The Department of Planning and Building, in consultation with the Department of Public Works shall review and approve all required plans.

### WASTEWATER

**WW-1 Prior to issuance of construction permits,** the applicant shall submit construction plans for the upgraded wastewater treatment ponds to the County of San Luis Obispo and Regional Water Quality Control Board (RWQCB) for review if the upgraded ponds are deemed required by the RWQCB.

**Monitoring:** The Department of Planning and Building, in consultation with the Regional Water Quality Control Board, shall verify receipt of required plans.

**WW-2 Prior to issuance of construction permits,** the applicant shall submit a revised Waste Discharge permit from the Regional Water Quality Control Board. A copy of the revised permit shall be submitted to the County Planning and Building Department and Environmental Health Department.

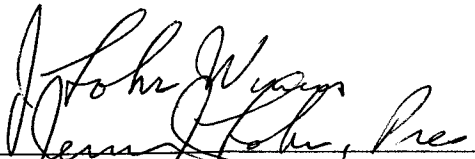
**Monitoring:** The Department of Planning and Building shall verify receipt of required permits.

## WATER

**W-1** Prior to issuance of construction permits, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State Water Resources Control Board (SWRCB).

**Monitoring:** The Department of Planning and Building shall verify receipt of SWPPP.

*The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.*

  
Signature of Owner(s)

7-26-05  
Date

Jerome J. Loehr  
Name (Print)